

# Calendar No. 170

116TH CONGRESS  
1ST SESSION

# S. 2302

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 29, 2019

Mr. BARRASSO (for himself, Mr. CARPER, Mrs. CAPITO, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 1, 2019

Reported by Mr. BARRASSO, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the  
5 ~~“America’s Transportation Infrastructure Act of 2019”.~~

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.  
 Sec. 3. Effective date.

#### TITLE I—FEDERAL AID HIGHWAYS

##### Subtitle A—Authorizations and Programs

- Sec. 1101. Authorization of appropriations.  
 Sec. 1102. Obligation ceiling.  
 Sec. 1103. Definitions.  
 Sec. 1104. Apportionment.  
 Sec. 1105. National highway performance program.  
 Sec. 1106. Emergency relief.  
 Sec. 1107. Federal share payable.  
 Sec. 1108. Railway-highway grade crossings.  
 Sec. 1109. Surface transportation block grant program.  
 Sec. 1110. Nationally significant freight and highway projects.  
 Sec. 1111. Highway safety improvement program.  
 Sec. 1112. Federal lands transportation program.  
 Sec. 1113. Federal lands access program.  
 Sec. 1114. National highway freight program.  
 Sec. 1115. Congestion mitigation and air quality improvement program.  
 Sec. 1116. National scenic byways program.  
 Sec. 1117. Alaska Highway.  
 Sec. 1118. Toll roads, bridges, tunnels, and ferries.  
 Sec. 1119. Bridge investment program.  
 Sec. 1120. Safe routes to school program.  
 Sec. 1121. Highway use tax evasion projects.  
 Sec. 1122. Construction of ferry boats and ferry terminal facilities.  
 Sec. 1123. Balance exchanges for infrastructure program.  
 Sec. 1124. Safety incentive programs.  
 Sec. 1125. Wildlife crossing safety.  
 Sec. 1126. Consolidation of programs.  
 Sec. 1127. State freight advisory committees.  
 Sec. 1128. Territorial and Puerto Rico highway program.

##### Subtitle B—Planning and Performance Management

- Sec. 1201. Transportation planning.  
 Sec. 1202. Fiscal constraint on long-range transportation plans.  
 Sec. 1203. State human capital plans.  
 Sec. 1204. Accessibility data pilot program.  
 Sec. 1205. Prioritization process pilot program.  
 Sec. 1206. Exemptions for low population density states.  
 Sec. 1207. Travel demand data and modeling.  
 Sec. 1208. Increasing safe and accessible transportation options.

##### Subtitle C—Project Delivery and Process Improvement

- Sec. 1301. Efficient environmental reviews for project decisionmaking and One  
 Federal Decision.

- Sec. 1302. Work zone process reviews.
- Sec. 1303. Transportation management plans.
- Sec. 1304. Intelligent transportation systems.
- Sec. 1305. Alternative contracting methods.
- Sec. 1306. Flexibility for projects.
- Sec. 1307. Improved Federal-State stewardship and oversight agreements.
- Sec. 1308. Geomatic data.
- Sec. 1309. Evaluation of projects within an operational right-of-way.
- Sec. 1310. Department of Transportation reports.

#### Subtitle D—Climate Change

- Sec. 1401. Grants for charging and fueling infrastructure to modernize and re-connect America for the 21st century.
- Sec. 1402. Reduction of truck emissions at port facilities.
- Sec. 1403. Carbon reduction incentive programs.
- Sec. 1404. Congestion relief program.
- Sec. 1405. Freight plans.
- Sec. 1406. Utilizing significant emissions with innovative technologies.
- Sec. 1407. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) grant program.
- Sec. 1408. Diesel emissions reduction.

#### Subtitle E—Miscellaneous

- Sec. 1501. Additional deposits into Highway Trust Fund.
- Sec. 1502. Stopping threats on pedestrians.
- Sec. 1503. Transfer and sale of toll credits.
- Sec. 1504. Forest Service Legacy Roads and Trails Remediation Program.
- Sec. 1505. Disaster relief mobilization pilot program.
- Sec. 1506. Appalachian regional development.
- Sec. 1507. Requirements for transportation projects carried out through public-private partnerships.
- Sec. 1508. Community connectivity pilot program.
- Sec. 1509. Repeal of rescission.
- Sec. 1510. Federal interagency working group for conversion of federal fleet to hybrid-electric vehicles, electric vehicles, and alternative fueled vehicles.
- Sec. 1511. Cybersecurity tool; cyber coordinator.
- Sec. 1512. Study on most effective upgrades to roadway infrastructure.
- Sec. 1513. Study on vehicle-to-infrastructure communication technology.
- Sec. 1514. Nonhighway recreational fuel study.
- Sec. 1515. Buy America.
- Sec. 1516. Report on data-driven infrastructure traffic safety improvements.
- Sec. 1517. High priority corridors on the National Highway System.
- Sec. 1518. Interstate weight limits.
- Sec. 1519. Interstate exemption.
- Sec. 1520. Report on air quality improvements.
- Sec. 1521. Roadside highway safety hardware.
- Sec. 1522. Permeable pavements study.
- Sec. 1523. Emergency relief projects.
- Sec. 1524. Certain gathering lines located on Federal land and Indian land.
- Sec. 1525. Technical corrections.

### TITLE II—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.

**TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION**

Sec. 3001. Surface transportation system funding alternatives.

Sec. 3002. Performance management data support program.

Sec. 3003. Data integration pilot program.

Sec. 3004. Emerging technology research pilot program.

Sec. 3005. Research and technology development and deployment.

Sec. 3006. Workforce development, training, and education.

Sec. 3007. Wildlife-vehicle collision research.

**1 SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **DEPARTMENT.**—The term “Department”  
4 means the Department of Transportation.

5 (2) **SECRETARY.**—The term “Secretary” means  
6 the Secretary of Transportation.

**7 SEC. 3. EFFECTIVE DATE.**

8 This Act and the amendments made by this Act take  
9 effect on October 1, 2020.

**10 TITLE I—FEDERAL-AID**  
**11 HIGHWAYS**  
**12 Subtitle A—Authorizations and**  
**13 Programs**

**14 SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) **IN GENERAL.**—The following amounts are au-  
16 thorized to be appropriated out of the Highway Trust  
17 Fund (other than the Mass Transit Account):

18 (1) **FEDERAL-AID HIGHWAY PROGRAM.**—For  
19 the national highway performance program under  
20 section 119 of title 23, United States Code, the sur-

1 face transportation block grant program under sec-  
 2 tion ~~133~~ of that title, the highway safety improve-  
 3 ment program under section 148 of that title, the  
 4 congestion mitigation and air quality improvement  
 5 program under section 149 of that title, the national  
 6 highway freight program under section 167 of that  
 7 title, and to carry out section ~~134~~ of that title—

8 (A) \$47,855,749,000 for fiscal year 2021;

9 (B) \$48,829,248,000 for fiscal year 2022;

10 (C) \$49,849,443,000 for fiscal year 2023;

11 (D) \$50,914,302,000 for fiscal year 2024;

12 and

13 (E) \$51,979,162,000 for fiscal year 2025.

14 (2) TRANSPORTATION INFRASTRUCTURE FI-  
 15 NANCE AND INNOVATION PROGRAM.—For credit as-  
 16 sistance under the transportation infrastructure fi-  
 17 nance and innovation program under chapter 6 of  
 18 title 23, United States Code, \$300,000,000 for each  
 19 of fiscal years 2021 through 2025.

20 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-  
 21 TATION PROGRAMS.—

22 (A) TRIBAL TRANSPORTATION PRO-  
 23 GRAM.—For the tribal transportation program  
 24 under section 202 of title 23, United States  
 25 Code—

- 1 (i) \$565,000,000 for fiscal year 2021;  
 2 (ii) \$580,000,000 for fiscal year 2022;  
 3 (iii) \$595,000,000 for fiscal year  
 4 2023;  
 5 (iv) \$610,000,000 for fiscal year  
 6 2024; and  
 7 (v) \$625,000,000 for fiscal year 2025.

8 (B) FEDERAL LANDS TRANSPORTATION  
 9 PROGRAM.—

- 10 (i) IN GENERAL.—For the Federal  
 11 lands transportation program under sec-  
 12 tion 203 of title 23, United States Code—

- 13 (I) \$413,000,000 for fiscal year  
 14 2021;  
 15 (II) \$423,000,000 for fiscal year  
 16 2022;  
 17 (III) \$433,000,000 for fiscal year  
 18 2023;  
 19 (IV) \$443,000,000 for fiscal year  
 20 2024; and  
 21 (V) \$453,000,000 for fiscal year  
 22 2025.

- 23 (ii) ALLOCATION.—Of the amount  
 24 made available for a fiscal year under  
 25 clause (i)—

1 (I) the amount for the National  
2 Park Service is—

3 (aa) ~~\$330,000,000~~ for fiscal  
4 year 2021;

5 (bb) ~~\$338,000,000~~ for fiscal  
6 year 2022;

7 (cc) ~~\$346,000,000~~ for fiscal  
8 year 2023;

9 (dd) ~~\$354,000,000~~ for fiscal  
10 year 2024; and

11 (ee) ~~\$362,000,000~~ for fiscal  
12 year 2025;

13 (II) the amount for the United  
14 States Fish and Wildlife Service is  
15 ~~\$33,000,000~~ for each of fiscal years  
16 2021 through 2025; and

17 (III) the amount for the Forest  
18 Service is—

19 (aa) ~~\$22,000,000~~ for fiscal  
20 year 2021;

21 (bb) ~~\$23,000,000~~ for fiscal  
22 year 2022;

23 (cc) ~~\$24,000,000~~ for fiscal  
24 year 2023;

1                   (dd) \$25,000,000 for fiscal  
2                   year 2024; and

3                   (ee) \$26,000,000 for fiscal  
4                   year 2025.

5                   (C) FEDERAL LANDS ACCESS PROGRAM.—

6                   For the Federal lands access program under  
7                   section 204 of title 23, United States Code—

8                   (i) \$280,000,000 for fiscal year 2021;

9                   (ii) \$285,000,000 for fiscal year 2022;

10                  (iii) \$290,000,000 for fiscal year  
11                  2023;

12                  (iv) \$295,000,000 for fiscal year  
13                  2024; and

14                  (v) \$300,000,000 for fiscal year 2025.

15                  (4) TERRITORIAL AND PUERTO RICO HIGHWAY

16                  PROGRAM.—For the territorial and Puerto Rico

17                  highway program under section 165 of title 23,

18                  United States Code—

19                  (A) \$204,500,000 for fiscal year 2021;

20                  (B) \$208,000,000 for fiscal year 2022;

21                  (C) \$212,000,000 for fiscal year 2023;

22                  (D) \$216,000,000 for fiscal year 2024;

23                  and

24                  (E) \$221,500,000 for fiscal year 2025.

1           (5) **NATIONALLY SIGNIFICANT FREIGHT AND**  
2 **HIGHWAY PROJECTS.**—For nationally significant  
3 freight and highway projects under section 117 of  
4 title 23, United States Code—

5                   (A) \$1,050,000,000 for fiscal year 2021;

6                   (B) \$1,075,000,000 for fiscal year 2022;

7                   (C) \$1,100,000,000 for fiscal year 2023;

8                   (D) \$1,125,000,000 for fiscal year 2024;

9                   and

10                   (E) \$1,150,000,000 for fiscal year 2025.

11       (b) **OTHER PROGRAMS.**—

12           (1) **IN GENERAL.**—The following amounts are  
13 authorized to be appropriated out of the Highway  
14 Trust Fund (other than the Mass Transit Account):

15                   (A) **BRIDGE INVESTMENT PROGRAM.**—To  
16 carry out the bridge investment program under  
17 section 124 of title 23, United States Code—

18                           (i) \$600,000,000 for fiscal year 2021;

19                           (ii) \$640,000,000 for fiscal year 2022;

20                           (iii) \$650,000,000 for fiscal year  
21 2023;

22                           (iv) \$675,000,000 for fiscal year  
23 2024; and

24                           (v) \$700,000,000 for fiscal year 2025.

1           (B) CONGESTION RELIEF PROGRAM.—To  
2 carry out the congestion relief program under  
3 section 129(d) of title 23, United States Code,  
4 \$40,000,000 for each of fiscal years 2021  
5 through 2025.

6           (C) CHARGING AND FUELING INFRASTRUC-  
7 TURE GRANTS.—To carry out section 151(f) of  
8 title 23, United States Code—

9                   (i) \$100,000,000 for fiscal year 2021;

10                   (ii) \$100,000,000 for fiscal year 2022;

11                   (iii) \$200,000,000 for fiscal year  
12 2023;

13                   (iv) \$300,000,000 for fiscal year  
14 2024; and

15                   (v) \$300,000,000 for fiscal year 2025.

16           (D) FORMULA SAFETY INCENTIVE PRO-  
17 GRAM.—To carry out the formula safety incen-  
18 tive program under section 172 of title 23,  
19 United States Code, \$500,000,000 for each of  
20 fiscal years 2021 through 2025.

21           (E) FATALITY REDUCTION PERFORMANCE  
22 PROGRAM.—To carry out the fatality reduction  
23 performance program under section 173 of title  
24 23, United States Code, \$100,000,000 for each  
25 of fiscal years 2021 through 2025.

1           (F) FORMULA CARBON REDUCTION INCEN-  
2           TIVE PROGRAM.—To carry out the formula ear-  
3           bon reduction incentive program under section  
4           177 of title 23, United States Code,  
5           \$600,000,000 for each of fiscal years 2021  
6           through 2025.

7           (G) CARBON REDUCTION PERFORMANCE  
8           PROGRAM.—To carry out the carbon reduction  
9           performance program under section 178 of title  
10          23, United States Code, \$100,000,000 for each  
11          of fiscal years 2021 through 2025.

12          (H) PROTECT GRANTS.—To carry out  
13          the PROTECT grant program under section  
14          179 of title 23, United States Code, for each of  
15          fiscal years 2021 through 2025—

16                 (i) \$786,000,000 for formula awards  
17                 to States under subsection (e) of that sec-  
18                 tion; and

19                 (ii) \$200,000,000 for competitive  
20                 grants under subsection (d) of that section,  
21                 of which not less than \$20,000,000 shall  
22                 be for planning grants under paragraph  
23                 (3) of that subsection.

24          (I) REDUCTION OF TRUCK EMISSIONS AT  
25          PORT FACILITIES.—

1 (i) ~~IN GENERAL.—To carry out the~~  
2 ~~reduction of truck emissions at port facili-~~  
3 ~~ties under section 1402—~~

4 (I) ~~\$60,000,000 for fiscal year~~  
5 ~~2021;~~

6 (II) ~~\$70,000,000 for fiscal year~~  
7 ~~2022;~~

8 (III) ~~\$70,000,000 for fiscal year~~  
9 ~~2023;~~

10 (IV) ~~\$80,000,000 for fiscal year~~  
11 ~~2024; and~~

12 (V) ~~\$90,000,000 for fiscal year~~  
13 ~~2025.~~

14 (ii) ~~TREATMENT.—Amounts made~~  
15 ~~available under clause (i) shall be available~~  
16 ~~for obligation in the same manner as if~~  
17 ~~those amounts were apportioned under~~  
18 ~~chapter 1 of title 23, United States Code.~~

19 (J) ~~NATIONALLY SIGNIFICANT FEDERAL~~  
20 ~~LANDS AND TRIBAL PROJECTS.—~~

21 (i) ~~IN GENERAL.—To carry out the~~  
22 ~~nationally significant Federal lands and~~  
23 ~~tribal projects program under section 1123~~  
24 ~~of the FAST Act (23 U.S.C. 201 note;~~

1 Public Law 114-94), \$50,000,000 for each  
2 of fiscal years 2021 through 2025.

3 (ii) TREATMENT.—Amounts made  
4 available under clause (i) shall be available  
5 for obligation in the same manner as if  
6 those amounts were apportioned under  
7 chapter 1 of title 23, United States Code.

8 (2) GENERAL FUND.—

9 (A) BRIDGE INVESTMENT PROGRAM.—

10 (i) IN GENERAL.—In addition to  
11 amounts made available under paragraph  
12 (1)(A), there are authorized to be appro-  
13 priated to carry out the bridge investment  
14 program under section 124 of title 23,  
15 United States Code—

16 (I) \$600,000,000 for fiscal year  
17 2021;

18 (II) \$640,000,000 for fiscal year  
19 2022;

20 (III) \$650,000,000 for fiscal year  
21 2023;

22 (IV) \$675,000,000 for fiscal year  
23 2024; and

24 (V) \$700,000,000 for fiscal year  
25 2025.

1           (ii) ALLOCATION.—Amounts made  
2           available under clause (i) shall be allocated  
3           in the same manner as if made available  
4           under paragraph (1)(A).

5           (B) ~~NATIONALLY SIGNIFICANT FEDERAL~~  
6           ~~LANDS AND TRIBAL PROJECTS PROGRAM.—~~

7           (i) ~~IN GENERAL.—~~In addition to  
8           amounts made available under paragraph  
9           ~~(1)(J)~~, there is authorized to be appro-  
10          priated to carry out section ~~1123~~ of the  
11          ~~FAST Act (23 U.S.C. 201 note; Public~~  
12          ~~Law 114–94)~~ \$100,000,000 for each of fis-  
13          cal years ~~2021~~ through ~~2025~~, to remain  
14          available for a period of ~~3~~ fiscal years fol-  
15          lowing the fiscal year for which the  
16          amounts are appropriated.

17          (ii) ~~CONFORMING AMENDMENT.—~~See-  
18          tion ~~1123~~ of the ~~FAST Act (23 U.S.C.~~  
19          ~~201 note; Public Law 114–94)~~ is amended  
20          by striking subsection (h).

21          (c) ~~RESEARCH, TECHNOLOGY, AND EDUCATION AU-~~  
22          ~~THORIZATIONS.—~~

23          (1) ~~IN GENERAL.—~~The following amounts are  
24          authorized to be appropriated out of the Highway  
25          Trust Fund (other than the Mass Transit Account):

1           (A) HIGHWAY RESEARCH AND DEVELOP-  
2           MENT PROGRAM.—To carry out section 503(b)  
3           of title 23, United States Code, \$153,431,378  
4           for each of fiscal years 2021 through 2025.

5           (B) TECHNOLOGY AND INNOVATION DE-  
6           PLOYMENT PROGRAM.—To carry out section  
7           503(e) of title 23, United States Code,  
8           \$135,000,000 for each of fiscal years 2021  
9           through 2025.

10          (C) TRAINING AND EDUCATION.—To carry  
11          out section 504 of title 23, United States  
12          Code—

13                   (i) \$25,000,000 for fiscal year 2021;

14                   (ii) \$26,000,000 for fiscal year 2022;

15                   (iii) \$27,000,000 for fiscal year 2023;

16                   (iv) \$27,000,000 for fiscal year 2024;

17                   and

18                   (v) \$27,000,000 for fiscal year 2025.

19          (D) INTELLIGENT TRANSPORTATION SYS-  
20          TEMS PROGRAM.—To carry out sections 512  
21          through 518 of title 23, United States Code,  
22          \$110,000,000 for each of fiscal years 2021  
23          through 2025.

1           (E) UNIVERSITY TRANSPORTATION CEN-  
2           TERS PROGRAM.—To carry out section 5505 of  
3           title 49, United States Code—

4                   (i) \$82,500,000 for fiscal year 2021;

5                   (ii) \$84,000,000 for fiscal year 2022;

6                   (iii) \$85,500,000 for fiscal year 2023;

7                   (iv) \$87,000,000 for fiscal year 2024;

8                   and

9                   (v) \$88,500,000 for fiscal year 2025.

10           (F) BUREAU OF TRANSPORTATION STATIS-  
11           TICS.—To carry out chapter 63 of title 49,  
12           United States Code, \$26,000,000 for each of  
13           fiscal years 2021 through 2025.

14           (2) ADMINISTRATION.—The Federal Highway  
15           Administration shall—

16                   (A) administer the programs described in  
17                   subparagraphs (A), (B), and (C) of paragraph  
18                   (1); and

19                   (B) in consultation with relevant modal ad-  
20                   ministrations, administer the programs de-  
21                   scribed in paragraph (1)(D).

22           (3) APPLICABILITY OF TITLE 23, UNITED  
23           STATES CODE.—Amounts authorized to be appro-  
24           priated by paragraph (1) shall—

1           (A) be available for obligation in the same  
 2           manner as if those funds were apportioned  
 3           under chapter 1 of title 23, United States Code,  
 4           except that the Federal share of the cost of a  
 5           project or activity carried out using those funds  
 6           shall be 80 percent, unless otherwise expressly  
 7           provided by this Act (including the amendments  
 8           by this Act) or otherwise determined by the  
 9           Secretary; and

10           (B) remain available until expended and  
 11           not be transferable, except as otherwise pro-  
 12           vided by this Act.

13           (d) PILOT PROGRAMS.—The following amounts are  
 14           authorized to be appropriated out of the Highway Trust  
 15           Fund (other than the Mass Transit Account):

16           (1) WILDLIFE CROSSINGS PILOT PROGRAM.—

17           For the wildlife crossings pilot program under sec-  
 18           tion 174 of title 23, United States Code—

19                   (A) \$55,000,000 for fiscal year 2021;

20                   (B) \$60,000,000 for fiscal year 2022;

21                   (C) \$45,000,000 for fiscal year 2023;

22                   (D) \$45,000,000 for fiscal year 2024; and

23                   (E) \$45,000,000 for fiscal year 2025.

24           (2) PRIORITIZATION PROCESS PILOT PRO-

25           GRAM.—

1           (A) IN GENERAL.—For the prioritization  
2 process pilot program under section 1205,  
3 \$10,000,000 for each of fiscal years 2021  
4 through 2025.

5           (B) TREATMENT.—Amounts made avail-  
6 able under subparagraph (A) shall be available  
7 for obligation in the same manner as if those  
8 amounts were apportioned under chapter 1 of  
9 title 23, United States Code.

10       (3) DISASTER RELIEF MOBILIZATION PILOT  
11 PROGRAM.—

12           (A) IN GENERAL.—For the disaster relief  
13 mobilization pilot program under section 1505,  
14 \$1,000,000 for each of fiscal years 2021  
15 through 2025.

16           (B) TREATMENT.—Amounts made avail-  
17 able under subparagraph (A) shall be available  
18 for obligation in the same manner as if those  
19 amounts were apportioned under chapter 1 of  
20 title 23, United States Code, except that those  
21 amounts shall remain available until expended.

22       (4) COMMUNITY CONNECTIVITY PILOT PRO-  
23 GRAM.—

1           (A) **PLANNING GRANTS.**—For planning  
2 grants under the community connectivity pilot  
3 program under section 1508(c)—

4           (i) \$20,000,000 for fiscal year 2021;

5           (ii) \$15,000,000 for fiscal year 2022;

6           (iii) \$10,000,000 for fiscal year 2023;

7           (iv) \$2,500,000 for fiscal year 2024;

8           and

9           (v) \$2,500,000 for fiscal year 2025.

10          (B) **CAPITAL CONSTRUCTION GRANTS.**—  
11 For capital construction grants under the com-  
12 munity connectivity pilot program under section  
13 1508(d), \$14,000,000 for each of fiscal years  
14 2021 through 2025.

15          (C) **TREATMENT.**—Amounts made avail-  
16 able under subparagraph (A) or (B) shall be  
17 available for obligation in the same manner as  
18 if those amounts were apportioned under chap-  
19 ter 1 of title 23, United States Code, except  
20 that those amounts shall remain available until  
21 expended.

22          (5) **OPEN CHALLENGE AND RESEARCH INITIA-**  
23 **TIVE PILOT PROGRAM.**—

24           (A) **IN GENERAL.**—For the open challenge  
25 and research proposal pilot program under sec-

1           tion 3005(e), \$15,000,000 for each of fiscal  
2           years 2021 through 2025.

3           (B) TREATMENT.—Amounts made avail-  
4           able under subparagraph (A) shall be available  
5           for obligation and administered as if appor-  
6           tioned under chapter 1 of title 23, United  
7           States Code.

8           (e) DISADVANTAGED BUSINESS ENTERPRISES.—

9           (1) FINDINGS.—Congress finds that—

10           (A) while significant progress has occurred  
11           due to the establishment of the disadvantaged  
12           business enterprise program, discrimination and  
13           related barriers continue to pose significant ob-  
14           stacles for minority- and women-owned busi-  
15           nesses seeking to do business in Federally as-  
16           sisted surface transportation markets across the  
17           United States;

18           (B) the continuing barriers described in  
19           subparagraph (A) merit the continuation of the  
20           disadvantaged business enterprise program;

21           (C) Congress has received and reviewed  
22           testimony and documentation of race and gen-  
23           der discrimination from numerous sources, in-  
24           cluding congressional hearings and roundtables,  
25           scientific reports, reports issued by public and

1 private agencies, news stories, reports of dis-  
2 crimination by organizations and individuals,  
3 and discrimination lawsuits, which show that  
4 race- and gender-neutral efforts alone are insuf-  
5 ficient to address the problem;

6 (D) the testimony and documentation de-  
7 scribed in subparagraph (C) demonstrate that  
8 discrimination across the United States poses a  
9 barrier to full and fair participation in surface  
10 transportation-related businesses of women  
11 business owners and minority business owners  
12 and has impacted firm development and many  
13 aspects of surface transportation-related busi-  
14 ness in the public and private markets; and

15 (E) the testimony and documentation de-  
16 scribed in subparagraph (C) provide a strong  
17 basis that there is a compelling need for the  
18 continuation of the disadvantaged business en-  
19 terprise program to address race and gender  
20 discrimination in surface transportation-related  
21 business.

22 (2) DEFINITIONS.—In this subsection:

23 (A) SMALL BUSINESS CONCERN.—

24 (i) IN GENERAL.—The term “small  
25 business concern” means a small business

1 concern (as the term is used in section 3  
2 of the Small Business Act (15 U.S.C.  
3 632)).

4 (ii) EXCLUSIONS.—The term “small  
5 business concern” does not include any  
6 concern or group of concerns controlled by  
7 the same socially and economically dis-  
8 advantaged individual or individuals that  
9 have average annual gross receipts during  
10 the preceding 3 fiscal years in excess of  
11 \$25,790,000, as adjusted annually by the  
12 Secretary for inflation.

13 (B) SOCIALLY AND ECONOMICALLY DIS-  
14 ADVANTAGED INDIVIDUALS.—The term “so-  
15 cially and economically disadvantaged individ-  
16 uals” has the meaning given the term in section  
17 8(d) of the Small Business Act (15 U.S.C.  
18 637(d)) and relevant subcontracting regulations  
19 issued pursuant to that Act, except that women  
20 shall be presumed to be socially and economi-  
21 cally disadvantaged individuals for purposes of  
22 this subsection.

23 (3) AMOUNTS FOR SMALL BUSINESS CON-  
24 CERNS.—Except to the extent that the Secretary de-  
25 termines otherwise, not less than 10 percent of the

1 amounts made available for any program under this  
2 Act and section 403 of title 23, United States Code,  
3 shall be expended through small business concerns  
4 owned and controlled by socially and economically  
5 disadvantaged individuals.

6 (4) ANNUAL LISTING OF DISADVANTAGED BUSI-  
7 NESS ENTERPRISES.—Each State shall annually—

8 (A) survey and compile a list of the small  
9 business concerns referred to in paragraph (3)  
10 in the State, including the location of the small  
11 business concerns in the State; and

12 (B) notify the Secretary, in writing, of the  
13 percentage of the small business concerns that  
14 are controlled by—

15 (i) women;

16 (ii) socially and economically dis-  
17 advantaged individuals (other than  
18 women); and

19 (iii) individuals who are women and  
20 are otherwise socially and economically dis-  
21 advantaged individuals.

22 (5) UNIFORM CERTIFICATION.—

23 (A) IN GENERAL.—The Secretary shall es-  
24 tablish minimum uniform criteria for use by  
25 State governments in certifying whether a con-

1           cern qualifies as a small business concern for  
2           the purpose of this subsection.

3           ~~(B) INCLUSIONS.—~~The minimum uniform  
4           criteria established under subparagraph (A)  
5           shall include, with respect to a potential small  
6           business concern—

- 7                   (i) on-site visits;
- 8                   (ii) personal interviews with personnel;
- 9                   (iii) issuance or inspection of licenses;
- 10                  (iv) analyses of stock ownership;
- 11                  (v) listings of equipment;
- 12                  (vi) analyses of bonding capacity;
- 13                  (vii) listings of work completed;
- 14                  (viii) examination of the resumes of  
15                  principal owners;
- 16                  (ix) analyses of financial capacity; and
- 17                  (x) analyses of the type of work pre-  
18                  ferred.

19           ~~(6) REPORTING.—~~The Secretary shall establish  
20           minimum requirements for use by State govern-  
21           ments in reporting to the Secretary—

22                   ~~(A)~~ information concerning disadvantaged  
23           business enterprise awards, commitments, and  
24           achievements; and

1           (~~B~~) such other information as the Sec-  
2           retary determines to be appropriate for the  
3           proper monitoring of the disadvantaged busi-  
4           ness enterprise program.

5           (7) COMPLIANCE WITH COURT ORDERS.—Noth-  
6           ing in this subsection limits the eligibility of an indi-  
7           vidual or entity to receive funds made available  
8           under this Act and section 403 of title 23, United  
9           States Code; if the entity or person is prevented, in  
10          whole or in part, from complying with paragraph (3)  
11          because a Federal court issues a final order in which  
12          the court finds that a requirement or the implemen-  
13          tation of paragraph (3) is unconstitutional.

14          (8) SENSE OF CONGRESS ON PROMPT PAYMENT  
15          OF DBE SUBCONTRACTORS.—It is the sense of Con-  
16          gress that—

17                 (A) the Secretary should take additional  
18                 steps to ensure that recipients comply with sec-  
19                 tion 26.29 of title 49, Code of Federal Regula-  
20                 tions (the disadvantaged business enterprises  
21                 prompt payment rule); or any corresponding  
22                 regulation; in awarding Federally funded trans-  
23                 portation contracts under laws and regulations  
24                 administered by the Secretary; and

1           (B) such additional steps should include  
 2           increasing the ability of the Department to  
 3           track and keep records of complaints and to  
 4           make that information publicly available.

5 **SEC. 1102. OBLIGATION CEILING.**

6           (a) **GENERAL LIMITATION.**—Subject to subsection  
 7 (c), and notwithstanding any other provision of law, the  
 8 obligations for Federal-aid highway and highway safety  
 9 construction programs shall not exceed—

- 10           (1) \$54,388,462,378 for fiscal year 2021;  
 11           (2) \$55,483,447,378 for fiscal year 2022;  
 12           (3) \$56,666,082,378 for fiscal year 2023;  
 13           (4) \$57,930,317,378 for fiscal year 2024; and  
 14           (5) \$59,103,552,378 for fiscal year 2025.

15           (b) **EXCEPTIONS.**—The limitations under subsection  
 16 (a) shall not apply to obligations under or for—

- 17           (1) section 125 of title 23, United States Code;  
 18           (2) section 147 of the Surface Transportation  
 19 Assistance Act of 1978 (23 U.S.C. 144 note; 92  
 20 Stat. 2714);  
 21           (3) section 9 of the Federal-Aid Highway Act  
 22 of 1981 (95 Stat. 1701);  
 23           (4) subsections (b) and (j) of section 131 of the  
 24 Surface Transportation Assistance Act of 1982 (96  
 25 Stat. 2119);

1           (5) subsections (b) and (c) of section 149 of the  
2       Surface Transportation and Uniform Relocation As-  
3       sistance Act of 1987 (101 Stat. 198);

4           (6) sections 1103 through 1108 of the Inter-  
5       modal Surface Transportation Efficiency Act of  
6       1991 (105 Stat. 2027);

7           (7) section 157 of title 23, United States Code  
8       (as in effect on June 8, 1998);

9           (8) section 105 of title 23, United States Code  
10      (as in effect for fiscal years 1998 through 2004, but  
11      only in an amount equal to \$639,000,000 for each  
12      of those fiscal years);

13          (9) Federal-aid highway programs for which ob-  
14      ligation authority was made available under the  
15      Transportation Equity Act for the 21st Century  
16      (112 Stat. 107) or subsequent Acts for multiple  
17      years or to remain available until expended, but only  
18      to the extent that the obligation authority has not  
19      lapsed or been used;

20          (10) section 105 of title 23, United States Code  
21      (as in effect for fiscal years 2005 through 2012, but  
22      only in an amount equal to \$639,000,000 for each  
23      of those fiscal years);

24          (11) section 1603 of SAFETEA-LU (23  
25      U.S.C. 118 note; 119 Stat. 1248), to the extent that

1 funds obligated in accordance with that section were  
2 not subject to a limitation on obligations at the time  
3 at which the funds were initially made available for  
4 obligation;

5 (12) section 119 of title 23, United States Code  
6 (as in effect for fiscal years 2013 through 2015, but  
7 only in an amount equal to \$639,000,000 for each  
8 of those fiscal years);

9 (13) section 119 of title 23, United States Code  
10 (as in effect for fiscal years 2016 through 2020, but  
11 only in an amount equal to \$639,000,000 for each  
12 of those fiscal years); and

13 (14) section 119 of title 23, United States Code  
14 (but, for fiscal years 2021 through 2025, only in an  
15 amount equal to \$639,000,000 for each of those fis-  
16 cal years).

17 (e) DISTRIBUTION OF OBLIGATION AUTHORITY.—

18 For each of fiscal years 2021 through 2025, the Sec-  
19 retary—

20 (1) shall not distribute obligation authority pro-  
21 vided by subsection (a) for the fiscal year for—

22 (A) amounts authorized for administrative  
23 expenses and programs by section 104(a) of  
24 title 23, United States Code; and

1           ~~(B)~~ amounts authorized for the Bureau of  
2           Transportation Statistics;

3           ~~(2)~~ shall not distribute an amount of obligation  
4           authority provided by subsection (a) that is equal to  
5           the unobligated balance of amounts—

6           ~~(A)~~ made available from the Highway  
7           Trust Fund (other than the Mass Transit Ac-  
8           count) for Federal-aid highway and highway  
9           safety construction programs for previous fiscal  
10          years the funds for which are allocated by the  
11          Secretary (or apportioned by the Secretary  
12          under section 202 or 204 of title 23, United  
13          States Code); and

14          ~~(B)~~ for which obligation authority was pro-  
15          vided in a previous fiscal year;

16          ~~(3)~~ shall determine the proportion that—

17          ~~(A)~~ the obligation authority provided by  
18          subsection (a) for the fiscal year, less the aggre-  
19          gate of amounts not distributed under para-  
20          graphs (1) and (2) of this subsection; bears to

21          ~~(B)~~ the total of the sums authorized to be  
22          appropriated for the Federal-aid highway and  
23          highway safety construction programs (other  
24          than sums authorized to be appropriated for  
25          provisions of law described in paragraphs (1)

1 through (13) of subsection (b) and sums au-  
2 thorized to be appropriated for section 119 of  
3 title 23, United States Code, equal to the  
4 amount referred to in subsection (b)(14) for the  
5 fiscal year), less the aggregate of the amounts  
6 not distributed under paragraphs (1) and (2) of  
7 this subsection;

8 (4) shall distribute the obligation authority pro-  
9 vided by subsection (a), less the aggregate amounts  
10 not distributed under paragraphs (1) and (2), for  
11 each of the programs (other than programs to which  
12 paragraph (1) applies) that are allocated by the Sec-  
13 retary under this Act and title 23, United States  
14 Code, or apportioned by the Secretary under sections  
15 202 or 204 of that title, by multiplying—

16 (A) the proportion determined under para-  
17 graph (3); by

18 (B) the amounts authorized to be appro-  
19 priated for each such program for the fiscal  
20 year; and

21 (5) shall distribute the obligation authority pro-  
22 vided by subsection (a), less the aggregate amounts  
23 not distributed under paragraphs (1) and (2) and  
24 the amounts distributed under paragraph (4), for  
25 Federal-aid highway and highway safety construc-

1 tion programs that are apportioned by the Secretary  
 2 under title 23, United States Code (other than the  
 3 amounts apportioned for the national highway per-  
 4 formance program in section 119 of title 23, United  
 5 States Code, that are exempt from the limitation  
 6 under subsection (b)(14) and the amounts appor-  
 7 tioned under sections 202 and 204 of that title) in  
 8 the proportion that—

9 (A) amounts authorized to be appropriated  
 10 for the programs that are apportioned under  
 11 title 23, United States Code, to each State for  
 12 the fiscal year; bears to

13 (B) the total of the amounts authorized to  
 14 be appropriated for the programs that are ap-  
 15 portioned under title 23, United States Code, to  
 16 all States for the fiscal year.

17 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-  
 18 THORITY.—Notwithstanding subsection (c), the Secretary  
 19 shall, after August 1 of each of fiscal years 2021 through  
 20 2025—

21 (1) revise a distribution of the obligation au-  
 22 thority made available under subsection (c) if an  
 23 amount distributed cannot be obligated during that  
 24 fiscal year; and

1           (2) redistribute sufficient amounts to those  
 2 States able to obligate amounts in addition to those  
 3 previously distributed during that fiscal year, giving  
 4 priority to those States having large unobligated bal-  
 5 ances of funds apportioned under sections 144 (as in  
 6 effect on the day before the date of enactment of  
 7 MAP-21 (Public Law 112-141, 126 Stat. 405)) and  
 8 104 of title 23, United States Code.

9           (c) APPLICABILITY OF OBLIGATION LIMITATIONS TO  
 10 TRANSPORTATION RESEARCH PROGRAMS.—

11           (1) IN GENERAL.—Except as provided in para-  
 12 graph (2), obligation limitations imposed by sub-  
 13 section (a) shall apply to contract authority for  
 14 transportation research programs carried out under  
 15 chapter 5 of title 23, United States Code.

16           (2) EXCEPTION.—Obligation authority made  
 17 available under paragraph (1) shall—

18           (A) remain available for a period of 4 fis-  
 19 cal years; and

20           (B) be in addition to the amount of any  
 21 limitation imposed on obligations for Federal-  
 22 aid highway and highway safety construction  
 23 programs for future fiscal years.

24           (f) REDISTRIBUTION OF CERTAIN AUTHORIZED  
 25 FUNDS.—

1           (1) IN GENERAL.—Not later than 30 days after  
2           the date of distribution of obligation authority under  
3           subsection (e) for each of fiscal years 2021 through  
4           2025, the Secretary shall distribute to the States  
5           any funds (excluding funds authorized for the pro-  
6           gram under section 202 of title 23, United States  
7           Code) that—

8                   (A) are authorized to be appropriated for  
9                   the fiscal year for Federal-aid highway pro-  
10                  grams; and

11                  (B) the Secretary determines will not be  
12                  allocated to the States (or will not be appor-  
13                  tioned to the States under section 204 of title  
14                  23, United States Code), and will not be avail-  
15                  able for obligation, for the fiscal year because  
16                  of the imposition of any obligation limitation for  
17                  the fiscal year.

18           (2) RATIO.—Funds shall be distributed under  
19           paragraph (1) in the same proportion as the dis-  
20           tribution of obligation authority under subsection  
21           (e)(5).

22           (3) AVAILABILITY.—Funds distributed to each  
23           State under paragraph (1) shall be available for any  
24           purpose described in section 133(b) of title 23,  
25           United States Code.

1 **SEC. 1103. DEFINITIONS.**

2 Section 101(a) of title 23, United States Code, is  
3 amended—

4 (1) in paragraph (4)—

5 (A) in subparagraph (A), by inserting “as-  
6 ssuming resilience,” after “surveying,”;

7 (B) in subparagraph (G), by striking  
8 “and” at the end;

9 (C) by redesignating subparagraph (H) as  
10 subparagraph (I); and

11 (D) by inserting after subparagraph (G)  
12 the following:

13 “(H) improvements that reduce the num-  
14 ber of wildlife-vehicle collisions, such as wildlife  
15 crossing structures; and”;

16 (2) by redesignating paragraphs (17) through  
17 (34) as paragraphs (18), (19), (20), (21), (22), (23),  
18 (25), (26), (27), (28), (29), (30), (31), (32), (33),  
19 (34), (35), and (36), respectively;

20 (3) by inserting after paragraph (16) the fol-  
21 lowing:

22 “(17) **NATURAL INFRASTRUCTURE.**—The term  
23 ‘natural infrastructure’ means infrastructure that  
24 uses, restores, or emulates natural ecological proc-  
25 esses and—

1           “(A) is created through the action of nat-  
 2           ural physical, geological, biological, and chem-  
 3           ical processes over time;

4           “(B) is created by human design, engineer-  
 5           ing, and construction to emulate or act in con-  
 6           cert with natural processes; or

7           “(C) involves the use of plants, soils, and  
 8           other natural features, including through the  
 9           creation, restoration, or preservation of vege-  
 10          tated areas using materials appropriate to the  
 11          region to manage stormwater and runoff, to at-  
 12          tenuate flooding and storm surges, and for  
 13          other related purposes.”;

14          (4) by inserting after paragraph (23) (as so re-  
 15          designated) the following:

16          “(24) RESILIENCE.—The term ‘resilience’, with  
 17          respect to a project, means a project with the ability  
 18          to anticipate, prepare for, or adapt to conditions or  
 19          withstand, respond to, or recover rapidly from dis-  
 20          ruptions, including the ability—

21                 “(A)(i) to resist hazards or withstand im-  
 22                 pacts from weather events and natural disas-  
 23                 ters; or

1           “(ii) to reduce the magnitude, duration, or  
2           impact of a disruptive weather event or natural  
3           disaster to a project; and

4           “(B) to have the absorptive capacity,  
5           adaptive capacity, and recoverability to decrease  
6           project vulnerability to weather events or other  
7           natural disasters.”; and

8           (5) in subparagraph (A) of paragraph (32) (as  
9           so redesignated)—

10           (A) by striking the period at the end and  
11           inserting “; and”;

12           (B) by striking “through the implementa-  
13           tion” and inserting the following: “through—

14                   “(i) the implementation”; and

15           (C) by adding at the end the following:

16                   “(ii) the consideration of incor-  
17                   porating natural infrastructure.”.

18 **SEC. 1104. APPORTIONMENT.**

19           (a) **ADMINISTRATIVE EXPENSES.**—Section 104(a) of  
20           title 23, United States Code, is amended by striking para-  
21           graph (1) and inserting the following:

22                   “(1) **IN GENERAL.**—There are authorized to be  
23                   appropriated from the Highway Trust Fund (other  
24                   than the Mass Transit Account) to be made avail-

1 able to the Secretary for administrative expenses of  
2 the Federal Highway Administration—

3 “(A) \$490,282,000 for fiscal year 2021;

4 “(B) \$499,768,000 for fiscal year 2022;

5 “(C) \$509,708,000 for fiscal year 2023;

6 “(D) \$520,084,000 for fiscal year 2024;

7 and

8 “(E) \$530,459,000 for fiscal year 2025.”.

9 (b) NATIONAL HIGHWAY FREIGHT PROGRAM.—Sec-  
10 tion 104(b)(5) of title 23, United States Code, is amended  
11 by striking subparagraph (B) and inserting the following:

12 “(B) TOTAL AMOUNT.—The total amount  
13 set aside for the national highway freight pro-  
14 gram for all States shall be—

15 “(i) \$1,625,000,000 for fiscal year  
16 2021;

17 “(ii) \$1,660,000,000 for fiscal year  
18 2022;

19 “(iii) \$1,700,000,000 for fiscal year  
20 2023;

21 “(iv) \$1,740,000,000 for fiscal year  
22 2024; and

23 “(v) \$1,775,000,000 for fiscal year  
24 2025.”.

1           (e) CALCULATION OF AMOUNTS.—Section 104(e) of  
2 title 23, United States Code, is amended—

3           (1) in paragraph (1)—

4           (A) in the matter preceding subparagraph  
5 (A), by striking “each of fiscal years 2016  
6 through 2020” and inserting “fiscal year 2021  
7 and each fiscal year thereafter”;

8           (B) in subparagraph (A)(ii)(I), by striking  
9 “fiscal year 2015” and inserting “fiscal year  
10 2020”; and

11           (C) by striking subparagraph (B) and in-  
12 serting the following:

13           “(B) GUARANTEED AMOUNTS.—The initial  
14 amounts resulting from the calculation under  
15 subparagraph (A) shall be adjusted to ensure  
16 that each State receives an aggregate appor-  
17 tionment that is—

18           “(i) equal to at least 95 percent of the  
19 estimated tax payments paid into the  
20 Highway Trust Fund (other than the Mass  
21 Transit Account) in the most recent fiscal  
22 year for which data are available that  
23 are—

24           “(I) attributable to highway  
25 users in the State; and

1                   “(H) associated with taxes in ef-  
2                   fect on July 1, 2019, and only up to  
3                   the rate those taxes were in effect on  
4                   that date;

5                   “(ii) at least 2 percent greater than  
6                   the apportionment that the State received  
7                   for fiscal year 2020; and

8                   “(iii) at least 1 percent greater than  
9                   the apportionment that the State received  
10                  for the previous fiscal year.”; and

11                  (2) in paragraph (2), by striking “fiscal years  
12                  2016 through 2020” and inserting “fiscal year 2021  
13                  and each fiscal year thereafter”.

14                  (d) SUPPLEMENTAL FUNDS.—Section 104(h) of title  
15                  23, United States Code, is amended—

16                  (1) in paragraph (1), by striking subparagraph  
17                  (A) and inserting the following:

18                         “(A) AMOUNT.—Before making an appor-  
19                         tionment for a fiscal year under subsection (c),  
20                         the Secretary shall reserve for the national  
21                         highway performance program under section  
22                         119 for that fiscal year an amount equal to—

23                                 “(i) \$1,160,000,000 for fiscal year  
24                                 2021;

1                   “(ii) \$1,184,000,000 for fiscal year  
2                   2022;

3                   “(iii) \$1,208,000,000 for fiscal year  
4                   2023;

5                   “(iv) \$1,233,000,000 for fiscal year  
6                   2024; and

7                   “(v) \$1,259,000,000 for fiscal year  
8                   2025.”; and

9                   (2) in paragraph (2), by striking subparagraph  
10                  (A) and inserting the following:

11                   “(A) AMOUNT.—Before making an appor-  
12                   tionment for a fiscal year under subsection (e),  
13                   the Secretary shall reserve for the surface  
14                   transportation block grant program under sec-  
15                   tion 133 for that fiscal year, pursuant to sec-  
16                   tion 133(h)—

17                   “(i) \$1,200,000,000 for fiscal year  
18                   2021;

19                   “(ii) \$1,224,000,000 for fiscal year  
20                   2022;

21                   “(iii) \$1,248,000,000 for fiscal year  
22                   2023;

23                   “(iv) \$1,273,000,000 for fiscal year  
24                   2024; and

1                   “(v) \$1,299,000,000 for fiscal year  
2                   2025.”.

3 **SEC. 1105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

4       Section 119 of title 23, United States Code, is  
5 amended—

6           (1) in subsection (b)—

7               (A) in paragraph (2), by striking “and” at  
8               the end;

9               (B) in paragraph (3), by striking the pe-  
10               riod at the end and inserting “; and”; and

11              (C) by adding at the end the following:

12               “(4) to provide support for measures to in-  
13               crease the resiliency of Federal-aid highways and  
14               bridges on and off the National Highway System to  
15               mitigate the impacts of sea level rise, extreme weath-  
16               er events, flooding, or other natural disasters.”; and

17              (2) by adding at the end the following:

18               “(k) PROTECTIVE FEATURES.—

19               “(1) IN GENERAL.—A State may use not more  
20               than 15 percent of the funds apportioned to the  
21               State under section 104(b)(1) for each fiscal year  
22               for 1 or more protective features on a Federal-aid  
23               highway or bridge off the National Highway System,  
24               if the protective feature is designed to mitigate the  
25               risk of recurring damage, or the cost of future re-

1 pairs, from extreme weather events, flooding, or  
2 other natural disasters.

3 “(2) PROTECTIVE FEATURES DESCRIBED.—A  
4 protective feature referred to in paragraph (1) may  
5 include—

6 “(A) raising roadway grades;

7 “(B) relocating roadways in a base flood-  
8 plain to higher ground above projected flood  
9 elevation levels or away from slide prone areas;

10 “(C) stabilizing slide areas;

11 “(D) stabilizing slopes;

12 “(E) installing riprap;

13 “(F) lengthening or raising bridges to in-  
14 crease waterway openings;

15 “(G) deepening channels to prevent flood-  
16 ing;

17 “(H) increasing the size or number of  
18 drainage structures;

19 “(I) replacing culverts with bridges or  
20 upsizing culverts;

21 “(J) repairing or maintaining tide gates;

22 “(K) installing seismic retrofits on bridges;

23 “(L) adding scour protection at bridges;

1           “(M) adding scour, stream stability, coast-  
2           al, or other hydraulic countermeasures, includ-  
3           ing spur dikes;

4           “(N) the use of natural infrastructure to  
5           mitigate the risk of recurring damage or the  
6           cost of future repair from extreme weather  
7           events, flooding, or other natural disasters; and

8           “(O) any other features that mitigate the  
9           risk of recurring damage or the cost of future  
10          repair as a result of extreme weather events,  
11          flooding, or other natural disasters, as deter-  
12          mined by the Secretary.

13          “(3) SAVINGS PROVISION.—Nothing in this sub-  
14          section limits the ability of a State to carry out a  
15          project otherwise eligible under subsection (d) using  
16          funds apportioned under section 104(b)(1).”.

17 **SEC. 1106. EMERGENCY RELIEF.**

18          Section 125 of title 23, United States Code, is  
19          amended—

20                 (1) in subsection (a)(1), by inserting “wildfire,  
21                 sea level rise,” after “severe storm”;

22                 (2) by striking subsection (b) and inserting the  
23                 following:

24                 “(b) RESTRICTION ON ELIGIBILITY.—Funds under  
25          this section shall not be used for the repair or reconstruc-

1 tion of a bridge that has been permanently closed to all  
 2 vehicular traffic by the Federal, State, Tribal, or respon-  
 3 sible local official because of imminent danger of collapse  
 4 due to a structural deficiency or physical deterioration.”;  
 5 and

6 ~~(3)~~ in subsection (d)—

7 (A) in paragraph ~~(2)~~(A)—

8 (i) by striking the period at the end  
 9 and inserting “; and”

10 (ii) by striking “a facility that meets  
 11 the current” and inserting the following:  
 12 “a facility that—

13 “(i) meets the current”; and

14 (iii) by adding at the end the fol-  
 15 lowing:

16 “(ii) incorporates economically justifi-  
 17 able improvements designed to mitigate the  
 18 risk of recurring damage from extreme  
 19 weather events, flooding, or other natural  
 20 disasters.”;

21 (B) by redesignating paragraphs ~~(3)~~  
 22 through ~~(5)~~ as paragraphs (4) through (6), re-  
 23 spectively; and

24 (C) by inserting after paragraph ~~(2)~~ the  
 25 following:

1           “(3) PROTECTIVE FEATURES.—

2           “(A) IN GENERAL.—The cost of an im-  
3           provement that is part of a project under this  
4           section shall be an eligible expense under this  
5           section if the improvement is a protective fea-  
6           ture that is designed to mitigate the risk of re-  
7           curring damage, or the cost of future repair,  
8           from extreme weather events, flooding, or other  
9           natural disasters.

10           “(B) PROTECTIVE FEATURES DE-  
11           SCRIBED.—A protective feature referred to in  
12           subparagraph (A) may include—

13                   “(i) raising roadway grades;

14                   “(ii) relocating roadways in a base  
15                   floodplain to higher ground above projected  
16                   flood elevation levels or away from slide  
17                   prone areas;

18                   “(iii) stabilizing slide areas;

19                   “(iv) stabilizing slopes;

20                   “(v) installing riprap;

21                   “(vi) lengthening or raising bridges to  
22                   increase waterway openings;

23                   “(vii) deepening channels to prevent  
24                   flooding;

- 1                   “(viii) increasing the size or number  
2 of drainage structures;
- 3                   “(ix) replacing culverts with bridges  
4 or upsizing culverts;
- 5                   “(x) repairing or maintaining tide  
6 gates;
- 7                   “(xi) installing seismic retrofits on  
8 bridges;
- 9                   “(xii) adding scour protection at  
10 bridges;
- 11                  “(xiii) adding scour, stream stability,  
12 coastal, and other hydraulic counter-  
13 measures, including spur dikes;
- 14                  “(xiv) the use of natural infrastruc-  
15 ture to mitigate the risk of recurring dam-  
16 age or the cost of future repair from ex-  
17 treme weather events, flooding, or other  
18 natural disasters; and
- 19                  “(xv) any other features that mitigate  
20 the risk of recurring damage or the cost of  
21 future repair as a result of extreme weath-  
22 er events, flooding, or other natural disas-  
23 ters, as determined by the Secretary.”.

1 **SEC. 1107. FEDERAL SHARE PAYABLE.**

2 Section 120(e) of title 23, United States Code, is  
3 amended by adding at the end the following:

4 “(4) PROTECTIVE FEATURES.—

5 “(A) IN GENERAL.—Notwithstanding any  
6 other provision of law, the Federal share pay-  
7 able for the cost of a protective feature on a  
8 Federal-aid highway or bridge project under  
9 this title may be up to 100 percent, at the dis-  
10 cretion of the State, if the protective feature is  
11 an improvement designed to mitigate the risk of  
12 recurring damage, or the cost of future repair,  
13 from extreme weather events, flooding, or other  
14 natural disasters.

15 “(B) PROTECTIVE FEATURES DE-  
16 SCRIBED.—A protective feature referred to in  
17 subparagraph (A) may include—

18 “(i) raising roadway grades;

19 “(ii) relocating roadways in a base  
20 floodplain to higher ground above projected  
21 flood elevation levels or away from slide  
22 prone areas;

23 “(iii) stabilizing slide areas;

24 “(iv) stabilizing slopes;

25 “(v) installing riprap;

- 1           “(vi) lengthening or raising bridges to  
2           increase waterway openings;
- 3           “(vii) deepening channels to prevent  
4           flooding;
- 5           “(viii) increasing the size or number  
6           of drainage structures;
- 7           “(ix) replacing culverts with bridges  
8           or upsizing culverts;
- 9           “(x) repairing or maintaining tide  
10          gates;
- 11          “(xi) installing seismic retrofits on  
12          bridges;
- 13          “(xii) adding scour protection at  
14          bridges;
- 15          “(xiii) adding scour, stream stability,  
16          coastal, and other hydraulic counter-  
17          measures, including spur dikes;
- 18          “(xiv) the use of natural infrastruc-  
19          ture to mitigate the risk of recurring dam-  
20          age or the cost of future repair from ex-  
21          treme weather events, flooding, or other  
22          natural disasters; and
- 23          “(xv) any other features that mitigate  
24          the risk of recurring damage or the cost of  
25          future repair as a result of extreme weath-

1 er events, flooding, or other natural disas-  
 2 ters, as determined by the Secretary.”.

3 **SEC. 1108. RAILWAY-HIGHWAY GRADE CROSSINGS.**

4 (a) IN GENERAL.—Section 130(e) of title 23, United  
 5 States Code, is amended—

6 (1) in the heading, by striking “PROTECTIVE  
 7 DEVICES” and inserting “RAILWAY-HIGHWAY  
 8 GRADE CROSSINGS”; and

9 (2) in paragraph (1)—

10 (A) in subparagraph (A), by striking  
 11 “crossings” in the matter preceding clause (i)  
 12 and all that follows through “2020.” in clause  
 13 (v) and inserting the following: “crossings and  
 14 as described in subparagraph (B), not less than  
 15 \$245,000,000 for each of fiscal years 2021  
 16 through 2025.”; and

17 (B) by striking subparagraph (B) and in-  
 18 serting the following:

19 “(B) REDUCING TRESPASSING FATALITIES  
 20 AND INJURIES.—A State may use funds set  
 21 aside under subparagraph (A) for projects to  
 22 reduce pedestrian fatalities and injuries from  
 23 trespassing at grade crossings.”.

1           (b) FEDERAL SHARE.—Section 130(f)(3) of title 23,  
2 United States Code, is amended by striking “90 percent”  
3 and inserting “100 percent”.

4           (c) GAO STUDY.—Not later than 3 years after the  
5 date of enactment of this Act, the Comptroller General  
6 of the United States shall submit to Congress a report  
7 that includes an analysis of the effectiveness of the rail-  
8 way-highway crossings program under section 130 of title  
9 23, United States Code.

10          (d) SENSE OF CONGRESS RELATING TO TRESPASSER  
11 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the  
12 sense of Congress that the Department should, where fea-  
13 sible, coordinate departmental efforts to prevent or reduce  
14 trespasser deaths along railroad rights-of-way and at or  
15 near railway-highway crossings.

16 **SEC. 1109. SURFACE TRANSPORTATION BLOCK GRANT PRO-**  
17 **GRAM.**

18          (a) IN GENERAL.—Section 133 of title 23, United  
19 States Code, is amended—

20                 (1) in subsection (b)—

21                         (A) in paragraph (1)—

22                                 (i) in subparagraph (B)—

23                                         (I) by adding “or” at the end;

1 (H) by striking “facilities eligi-  
2 ble” and inserting the following: “fa-  
3 cilities—

4 “(i) that are eligible”; and

5 (III) by adding at the end the  
6 following:

7 “(ii) that are privately or majority-  
8 privately owned, but that the Secretary de-  
9 termines provide a substantial public  
10 transportation benefit or otherwise meet  
11 the foremost needs of the surface transpor-  
12 tation system described in section  
13 101(b)(3)(D);”;

14 (ii) in subparagraph (E), by striking  
15 “and” at the end;

16 (iii) in subparagraph (F), by striking  
17 the period at the end and inserting “;  
18 and”; and

19 (iv) by adding at the end the fol-  
20 lowing:

21 “(G) wildlife crossing structures.”;

22 (B) in paragraph (3), by inserting  
23 “148(a)(4)(B)(xvii),” after “119(g);”;

24 (C) by redesignating paragraphs (4)  
25 through (15) as paragraphs (5), (6), (7), (8),

1           (9), (10), (11), (12), (13), (15), (16), and (17),  
2           respectively;

3           (D) by inserting after paragraph (3) the  
4           following:

5           “(4) Projects that use natural infrastructure  
6           alone or in combination with other eligible projects  
7           to enhance resilience of a transportation facility oth-  
8           erwise eligible for assistance under this section.”;

9           (E) by inserting after paragraph (13) (as  
10          so redesignated) the following:

11          “(14) Projects and strategies designed to re-  
12          duce the number of wildlife-vehicle collisions, includ-  
13          ing project-related planning, design, construction,  
14          monitoring, and preventative maintenance.”; and

15          (F) by adding at the end the following:

16          “(18) Rural barge landing, dock, and water-  
17          front infrastructure projects in accordance with sub-  
18          section (j).”;

19          (2) in subsection (c)—

20                 (A) in paragraph (2), by striking “para-  
21                 graphs (4) through (11)” and inserting “para-  
22                 graphs (5) through (12) and paragraph (18)”;

23                 (B) in paragraph (3), by striking “and” at  
24                 the end;

1           (C) by redesignating paragraph (4) as  
2 paragraph (5); and

3           (D) by inserting after paragraph (3) the  
4 following:

5           “(4) for a bridge project for the replacement of  
6 a low water crossing (as defined by the Secretary)  
7 with a bridge; and”;

8           (3) in subsection (d)—

9           (A) in paragraph (1)(A), in the matter  
10 preceding clause (i), by striking “the percentage  
11 specified in paragraph (6) for a fiscal year” and  
12 inserting “55 percent for each of fiscal years  
13 2021 through 2025”; and

14           (B) by striking paragraph (6);

15           (4) in subsection (e)(1), in the matter preceding  
16 subparagraph (A), by striking “fiscal years 2016  
17 through 2020” and inserting “fiscal years 2021  
18 through 2025”;

19           (5) in subsection (f)—

20           (A) in paragraph (1)—

21           (i) by inserting “or low water crossing  
22 (as defined by the Secretary)” after “a  
23 highway bridge”; and

1                   (ii) by inserting “or low water cross-  
2                   ing (as defined by the Secretary)” after  
3                   “other than a bridge”;

4                   (B) in paragraph (2)(A), by striking “ac-  
5                   tivities described in subsection (b)(2) for off-  
6                   system bridges” and inserting “activities de-  
7                   scribed in paragraphs (1)(A) and (10) of sub-  
8                   section (b) for off-system bridges, projects and  
9                   activities described in subsection (b)(1)(A) for  
10                  the replacement of low water crossings with  
11                  bridges, and projects and activities described in  
12                  subsection (b)(10) for low water crossings (as  
13                  defined by the Secretary),”; and

14                  (C) in paragraph (3), in the matter pre-  
15                  ceding subparagraph (A)—

16                         (i) by striking “bridge or rehabilita-  
17                         tion of a bridge” and inserting “bridge, re-  
18                         habilitation of a bridge, or replacement of  
19                         a low water crossing (as defined by the  
20                         Secretary) with a bridge”; and

21                         (ii) by inserting “or, in the case of a  
22                         replacement of a low water crossing with a  
23                         bridge, is determined by the Secretary on  
24                         completion to have improved the safety of

1           the location” after “no longer a deficient  
2           bridge”;

3           (6) in subsection (g)(1), by striking “fiscal  
4           years 2016 through 2020” and inserting “fiscal  
5           years 2021 through 2025”;

6           (7) by adding at the end the following:

7           “(j) RURAL BARGE LANDING, DOCK, AND WATER-  
8 FRONT INFRASTRUCTURE PROJECTS.—

9           “(1) IN GENERAL.—A State may use not more  
10          than 5 percent of the funds apportioned to the State  
11          under section 104(b)(2) for eligible rural barge land-  
12          ing, dock, and waterfront infrastructure projects de-  
13          scribed in paragraph (2).

14          “(2) ELIGIBLE PROJECTS.—An eligible rural  
15          barge landing, dock, or waterfront infrastructure  
16          project referred to in paragraph (1) is a project for  
17          the planning, designing, engineering, or construction  
18          of a barge landing, dock, or other waterfront infra-  
19          structure in a rural community or a Native village  
20          (as defined in section 3 of the Alaska Native Claims  
21          Settlement Act (43 U.S.C. 1602))—

22                  “(A) that is off the road system; and

23                  “(B) for which the Secretary determines  
24                  there is a lack of adequate infrastructure.”.

1       (b) ~~SET-ASIDE~~.—Section 133(h) of title 23, United  
2 States Code, is amended—

3           (1) in paragraph (1)(A), by striking clauses (i)  
4 and (ii) and inserting the following:

5                   “(i) \$1,200,000,000 for fiscal year  
6                   2021;

7                   “(ii) \$1,224,000,000 for fiscal year  
8                   2022;

9                   “(iii) \$1,248,000,000 for fiscal year  
10                   2023;

11                   “(iv) \$1,272,000,000 for fiscal year  
12                   2024; and

13                   “(v) \$1,299,000,000 for fiscal year  
14                   2025; and”;

15           (2) by striking paragraph (2) and inserting the  
16 following:

17                   “(2) ALLOCATION WITHIN A STATE.—

18                   “(A) IN GENERAL.—Except as provided in  
19 subparagraph (B), funds reserved for a State  
20 under paragraph (1) shall be obligated within  
21 that State in the manner described in sub-  
22 section (d), except that, for purposes of this  
23 paragraph (after funds are made available  
24 under paragraph (5))—

1           “(i) for each fiscal year, the percent-  
2           age specified in subsection (d)(1)(A) shall  
3           be deemed to be ~~57.5~~ percent; and

4           “(ii) paragraph (3) of that subsection  
5           shall not apply.

6           “(B) LOCAL CONTROL.—

7           “(i) IN GENERAL.—On approval of a  
8           plan submitted to the Secretary that de-  
9           scribes the manner in which the plan will  
10          maximize local control and the means by  
11          which the State plans to comply with para-  
12          graph (8), the State may allocate up to  
13          100 percent of the funds referred to in  
14          subparagraph (A)(i) to counties and other  
15          local transportation entities.

16          “(ii) REQUIREMENT.—A State that  
17          allocates funding under clause (i) to coun-  
18          ties and other local transportation entities  
19          shall make available an equivalent amount  
20          of obligation limitation to those counties  
21          and other local transportation entities.”;

22          (3) in paragraph (4)(B)—

23                 (A) in clause (vii), by striking “respon-  
24                 sible” and all that follows through “programs”;

1 (B) in clause (viii), by inserting “that  
 2 serves an urbanized population of over  
 3 200,000” after “metropolitan planning organi-  
 4 zation”;

5 (C) by redesignating clauses (vii) and (viii)  
 6 as clauses (viii) and (ix), respectively; and

7 (D) by inserting after clause (vi) the fol-  
 8 lowing:

9 “(vii) a metropolitan planning organi-  
 10 zation that serves an urbanized population  
 11 of 200,000 or fewer;”;

12 (4) in paragraph (6), by adding at the end the  
 13 following:

14 “(C) IMPROVING ACCESSIBILITY AND EFFI-  
 15 CIENCY.—

16 “(i) IN GENERAL.—A State may elect  
 17 to use an amount equal to not more than  
 18 7 percent of the funds reserved for the  
 19 State under this subsection; after allo-  
 20 cating funds in accordance with paragraph  
 21 (2)(A); to improve the ability of applicants  
 22 to access funding for projects under this  
 23 subsection in an efficient and expeditious  
 24 manner by—

1           “(I) providing to applicants for  
2           projects under this subsection applica-  
3           tion assistance, technical assistance,  
4           and assistance in reducing the period  
5           of time between the selection of the  
6           project and the obligation of funds for  
7           the project; and

8           “(II) providing funding for 1 or  
9           more full-time State employee posi-  
10          tions to administer this subsection.

11          “(ii) USE OF FUNDS.—Amounts used  
12          under clause (i) may be expended—

13                 “(I) directly by the State; or

14                 “(II) through contracts with  
15                 State agencies, private entities, or  
16                 nonprofit entities.”;

17          (5) by redesignating paragraph (7) as para-  
18          graph (8); and

19          (6) by inserting after paragraph (6) the fol-  
20          lowing:

21                 “(7) FEDERAL SHARE.—

22                         “(A) REQUIRED AGGREGATE NON-FED-  
23                         ERAL SHARE.—

24                                 “(i) IN GENERAL.—The average an-  
25                                 nual non-Federal share of the total cost of

1 all projects carried out under this sub-  
2 section in a State for a fiscal year shall be  
3 not less than the non-Federal share au-  
4 thorized for the State under section  
5 120(b).

6 “(ii) SINGLE PROJECTS.—Subject to  
7 clause (i); the Federal share of the total  
8 cost of a single project carried out under  
9 this subsection may be up to 100 percent.

10 “(B) FLEXIBLE FINANCING.—Subject to  
11 subparagraph (A); notwithstanding section  
12 120—

13 “(i) funds made available to carry out  
14 section 148 may be credited toward the  
15 non-Federal share of the costs of a project  
16 type under this subsection that the Sec-  
17 retary determines to have an expected safe-  
18 ty benefit; and

19 “(ii) the non-Federal share for a  
20 project under this subsection may be cal-  
21 culated on a project, multiple-project, or  
22 program basis.”

1 **SEC. 1110. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**  
2 **WAY PROJECTS.**

3 (a) **IN GENERAL.**—Section 117 of title 23, United  
4 States Code, is amended—

5 (1) in subsection (a)(2)—

6 (A) in subparagraph (A), by inserting “in  
7 and across rural and urban areas” after “peo-  
8 ple”; and

9 (B) in subparagraph (F), by inserting “,  
10 including highways that support movement of  
11 energy equipment” after “security”;

12 (2) in subsection (b), by adding at the end the  
13 following:

14 “(3) **GRANT ADMINISTRATION.**—The Secretary  
15 may—

16 “(A) retain not more than a total of 2 per-  
17 cent of the funds made available to carry out  
18 this section for the National Surface Transpor-  
19 tation and Innovative Finance Bureau to review  
20 applications for grants under this section; and

21 “(B) transfer portions of the funds re-  
22 tained under subparagraph (A) to the relevant  
23 Administrators to fund the award and oversight  
24 of grants provided under this section.”;

25 (3) in subsection (d)—

26 (A) in paragraph (1)(A)—

1 (i) in clause (iii)(II), by striking “or”  
 2 at the end;

3 (ii) in clause (iv), by striking “and” at  
 4 the end and inserting “or”; and

5 (iii) by adding at the end the fol-  
 6 lowing:

7 “(v) a wildlife crossing project; and”;

8 (B) in paragraph (2)(A), in the matter  
 9 preceding clause (i)—

10 (i) by striking “\$500,000,000” and  
 11 inserting “30 percent”; and

12 (ii) by striking “fiscal years 2016  
 13 through 2020, in the aggregate,” and in-  
 14 serting “each of fiscal years 2021 through  
 15 2025”; and

16 (C) by adding at the end the following:

17 “(3) CRITICAL RURAL STATE INTERSTATE  
 18 PROJECTS.—

19 “(A) REQUIREMENT.—Not less than  
 20 \$500,000,000 of the amounts made available  
 21 for grants under this section for fiscal years  
 22 2021 through 2025, in the aggregate, shall be  
 23 used to make grants for Interstate interchange  
 24 projects between 2 routes on the Interstate Sys-  
 25 tem that—

1 “(i) are located in a State—

2 “(I) with a population density of  
3 not more than 80 persons per square  
4 mile of land area, based on the 2010  
5 census; and

6 “(II) that has 3 or fewer Inter-  
7 state interchanges between 2 routes  
8 on the Interstate System; and

9 “(ii) are projects that—

10 “(I) address a freight system  
11 need identified in a State freight plan  
12 under section 70202 of title 49 (re-  
13 ferred to in this paragraph as a ‘State  
14 freight plan’);

15 “(II) address a freight mobility  
16 issue identified in a State freight  
17 plan; or

18 “(III) are identified in a State  
19 freight plan.

20 “(B) INCLUSION IN STATE FREIGHT  
21 PLAN.—A project described in subparagraph  
22 (A)(ii)(III) may include a project listed in the  
23 freight investment plan required under section  
24 70202(b)(9) of title 49.

1           “(C) UNUTILIZED AMOUNTS.—If, in fiscal  
2 year 2025, the Secretary determines that  
3 grants under this paragraph will not allow for  
4 the amount reserved under subparagraph (A) to  
5 be fully utilized, the Secretary shall use the un-  
6 utilized amounts to make other grants under  
7 this section during that fiscal year.

8           “(4) CRITICAL URBAN STATE PROJECTS.—

9           “(A) REQUIREMENT.—Not less than  
10 \$500,000,000 of the amounts made available  
11 for grants under this section for fiscal years  
12 2021 through 2025, in the aggregate, shall be  
13 used to make grants to eligible projects that are  
14 located in a State with a population density of  
15 not less than 400 persons per square mile of  
16 land area, based on the 2010 census.

17           “(B) INCLUSION IN STATE FREIGHT  
18 PLAN.—A project described in subparagraph  
19 (A) may include a project listed in the freight  
20 investment plan required under section  
21 70202(b)(9) of title 49.

22           “(C) UNUTILIZED AMOUNTS.—If, in fiscal  
23 year 2025, the Secretary determines that  
24 grants under this paragraph will not allow for  
25 the amount reserved under subparagraph (A) to

1 be fully utilized, the Secretary shall use the un-  
2 utilized amounts to make other grants under  
3 this section during that fiscal year.”;

4 (4) in subsection (c)—

5 (A) in paragraph (1), by striking “10 per-  
6 cent” and inserting “not less than 15 percent”;

7 (B) in paragraph (3)—

8 (i) in subparagraph (A), by striking  
9 “and” at the end;

10 (ii) in subparagraph (B), by striking  
11 the period at the end and inserting “;  
12 and”; and

13 (iii) by adding at the end the fol-  
14 lowing:

15 “(C) the effect of the proposed project on  
16 safety on freight corridors with significant haz-  
17 ards, such as high winds, heavy snowfall, flood-  
18 ing, rockslides, mudslides, wildfire, wildlife  
19 crossing onto the roadway, or steep grades.”;  
20 and

21 (C) by adding at the end the following:

22 “(4) REQUIREMENT.—Of the amounts reserved  
23 under paragraph (1), not less than 30 percent shall  
24 be used for projects in rural areas (as defined in  
25 subsection (i)(3)).”;

1           (5) in subsection (h)—

2                   (A) in paragraph (2), by striking “and” at  
3           the end;

4                   (B) in paragraph (3), by striking the pe-  
5           riod at the end and inserting “; and”; and

6                   (C) by adding at the end the following:

7           “~~(4)~~ enhancement of freight resilience to nat-  
8           ural hazards or disasters, including high winds,  
9           heavy snowfall, flooding, rockslides, mudslides, wild-  
10          fire, wildlife crossing onto the roadway, or steep  
11          grades.”;

12                  (6) in subsection (i)(2), by striking “other  
13          grants under this section” and inserting “grants  
14          under subsection (e)”;

15                  (7) in subsection (j)—

16                          (A) by striking the subsection designation  
17                          and heading and all that follows through “The  
18                          Federal share” in paragraph (1) and inserting  
19                          the following:

20           “~~(j)~~ FEDERAL ASSISTANCE.—

21           “~~(1)~~ FEDERAL SHARE.—

22                          “(A) IN GENERAL.—Except as provided in  
23                          subparagraph (B) or for a grant under sub-  
24                          section (q), the Federal share”;

1           (B) in paragraph (1), by adding at the end  
2 the following:

3           “(B) SMALL PROJECTS.—In the case of a  
4 project described in subsection (e)(1), the Fed-  
5 eral share of the cost of the project shall be 80  
6 percent.”; and

7           (C) in paragraph (2)—

8           (i) by striking “Federal assistance  
9 other” and inserting “Except for grants  
10 under subsection (q), Federal assistance  
11 other”; and

12           (ii) by striking “except that the total  
13 Federal” and inserting the following: “ex-  
14 cept that—

15           “(A) for a State with a population density  
16 of not more than 80 persons per square mile of  
17 land area, based on the 2010 census, the max-  
18 imum share of the total Federal assistance pro-  
19 vided for a project receiving a grant under this  
20 section shall be the applicable share under sec-  
21 tion 120(b); and

22           “(B) for a State not described in subpara-  
23 graph (A), the total Federal”;

24           (8) by redesignating subsections (k) through  
25 (n) as subsections (l), (m), (n), and (p), respectively;

1           (9) by inserting after subsection (j) the fol-  
2           lowing:

3           “(k) EFFICIENT USE OF NON-FEDERAL FUNDS.—

4           “(1) IN GENERAL.—Notwithstanding any other  
5           provision of law and subject to approval by the Sec-  
6           retary under paragraph (2)(B), in the case of any  
7           grant for a project under this section, during the pe-  
8           riod beginning on the date on which the grant recipi-  
9           ent is selected and ending on the date on which the  
10          grant agreement is signed—

11           “(A) the grant recipient may obligate and  
12           expend non-Federal funds with respect to the  
13           project for which the grant is provided; and

14           “(B) any non-Federal funds obligated or  
15           expended in accordance with subparagraph (A)  
16           shall be credited toward the non-Federal cost  
17           share for the project for which the grant is pro-  
18           vided.

19          “(2) REQUIREMENTS.—

20           “(A) APPLICATION.—In order to obligate  
21           and expend non-Federal funds under paragraph  
22           (1), the grant recipient shall submit to the Sec-  
23           retary a request to obligate and expend non-  
24           Federal funds under that paragraph, includ-  
25           ing—

1                   “(i) a description of the activities the  
2                   grant recipient intends to fund;

3                   “(ii) a justification for advancing the  
4                   activities described in clause (i), including  
5                   an assessment of the effects to the project  
6                   scope, schedule, and budget if the request  
7                   is not approved; and

8                   “(iii) the level of risk of the activities  
9                   described in clause (i).

10                  “(B) APPROVAL.—The Secretary shall ap-  
11                  prove or disapprove each request submitted  
12                  under subparagraph (A).

13                  “(C) COMPLIANCE WITH APPLICABLE RE-  
14                  QUIREMENTS.—Any non-Federal funds obli-  
15                  gated or expended under paragraph (1) shall  
16                  comply with all applicable requirements, includ-  
17                  ing any requirements included in the grant  
18                  agreement.

19                  “(3) EFFECT.—The obligation or expenditure  
20                  of any non-Federal funds in accordance with this  
21                  subsection shall not—

22                  “(A) affect the signing of a grant agree-  
23                  ment or other applicable grant procedures with  
24                  respect to the applicable grant;

1           “(B) create an obligation on the part of  
2           the Federal Government to repay any non-Fed-  
3           eral funds if the grant agreement is not signed;  
4           or

5           “(C) affect the ability of recipient of the  
6           grant to obligate or expend non-Federal funds  
7           to meet the non-Federal cost share for the  
8           project for which the grant is provided after the  
9           period described in paragraph (1).”;

10          (10) by inserting after subsection (n) (as so re-  
11          designated) the following:

12          “(o) APPLICANT NOTIFICATION.—

13                 “(1) IN GENERAL.—Not later than 60 days  
14                 after the date on which a grant recipient for a  
15                 project under this section is selected, the Secretary  
16                 shall provide to each eligible applicant not selected  
17                 for that grant a written notification that the eligible  
18                 applicant was not selected.

19                 “(2) INCLUSION.—A written notification under  
20                 paragraph (1) shall include an offer for a written or  
21                 telephonic debrief by the Secretary that will pro-  
22                 vide—

23                         “(A) detail on the evaluation of the appli-  
24                         cation of the eligible applicant; and

1           “(B) an explanation of and guidance on  
2 the reasons the application was not selected for  
3 a grant under this section.

4           “(3) RESPONSE.—

5           “(A) IN GENERAL.—Not later than 30  
6 days after the eligible applicant receives a writ-  
7 ten notification under paragraph (1), if the eli-  
8 gible applicant opts to receive a debrief de-  
9 scribed in paragraph (2), the eligible applicant  
10 shall notify the Secretary that the eligible appli-  
11 cant is requesting a debrief.

12           “(B) DEBRIEF.—If the eligible applicant  
13 submits a request for a debrief under subpara-  
14 graph (A), the Secretary shall provide the de-  
15 brief by not later than 60 days after the date  
16 on which the Secretary receives the request for  
17 a debrief.”; and

18           (11) by striking subsection (p) (as so redesign-  
19 nated) and inserting the following:

20           “(p) REPORTS.—

21           “(1) ANNUAL REPORT.—

22           “(A) IN GENERAL.—Notwithstanding any  
23 other provision of law, not later than 30 days  
24 after the date on which the Secretary selects a  
25 project for funding under this section, the Sec-

1           retary shall submit to the Committee on Envi-  
2           ronment and Public Works of the Senate and  
3           the Committee on Transportation and Infra-  
4           structure of the House of Representatives a re-  
5           port that describes the reasons for selecting the  
6           project, based on any criteria established by the  
7           Secretary in accordance with this section.

8           “(B) INCLUSIONS.—The report submitted  
9           under subparagraph (A) shall specify each cri-  
10          terion established by the Secretary that the  
11          project meets.

12          “(C) AVAILABILITY.—The Secretary shall  
13          make available on the website of the Depart-  
14          ment of Transportation the report submitted  
15          under subparagraph (A).

16          “(D) APPLICABILITY.—This paragraph ap-  
17          plies to all projects described in subparagraph  
18          (A) that the Secretary selects on or after Janu-  
19          ary 1, 2019.

20          “(2) COMPTROLLER GENERAL.—

21                  “(A) ASSESSMENT.—The Comptroller Gen-  
22                  eral of the United States shall conduct an as-  
23                  sessment of the establishment, solicitation, se-  
24                  lection, and justification process with respect to  
25                  the funding of projects under this section.

1           “(B) REPORT.—Not later than 1 year  
2 after the date of enactment of the America’s  
3 Transportation Infrastructure Act of 2019 and  
4 annually thereafter, the Comptroller General of  
5 the United States shall submit to the Com-  
6 mittee on Environment and Public Works of the  
7 Senate and the Committee on Transportation  
8 and Infrastructure of the House of Representa-  
9 tives a report that describes, for each project  
10 selected to receive funding under this section—

11                   “(i) the process by which each project  
12 was selected;

13                   “(ii) the factors that went into the se-  
14 lection of each project; and

15                   “(iii) the justification for the selection  
16 of each project based on any criteria estab-  
17 lished by the Secretary in accordance with  
18 this section.

19           “(3) INSPECTOR GENERAL.—Not later than 1  
20 year after the date of enactment of the America’s  
21 Transportation Infrastructure Act of 2019 and an-  
22 nually thereafter, the Inspector General of the De-  
23 partment of Transportation shall—

24                   “(A) conduct an assessment of the estab-  
25 lishment, solicitation, selection, and justification

1 process with respect to the funding of projects  
2 under this section; and

3 “(B) submit to the Committee on Environ-  
4 ment and Public Works of the Senate and the  
5 Committee on Transportation and Infrastruc-  
6 ture of the House of Representatives a final re-  
7 port that describes the findings of the Inspector  
8 General of the Department of Transportation  
9 with respect to the assessment conducted under  
10 subparagraph (A).

11 “(q) STATE INCENTIVES PILOT PROGRAM.—

12 “(1) ESTABLISHMENT.—There is established a  
13 pilot program to award grants to eligible applicants  
14 for projects eligible for grants under this section (re-  
15 ferred to in this subsection as the ‘pilot program’).

16 “(2) PRIORITY.—In awarding grants under the  
17 pilot program, the Secretary shall give priority to an  
18 application that offers a greater non-Federal share  
19 of the cost of a project relative to other applications  
20 under the pilot program.

21 “(3) FEDERAL SHARE.—

22 “(A) IN GENERAL.—Notwithstanding any  
23 other provision of law, the Federal share of the  
24 cost of a project assisted with a grant under the  
25 pilot program may not exceed 50 percent.

1                   “(B) NO FEDERAL INVOLVEMENT.—

2                   “(i) IN GENERAL.—For grants award-  
3                   ed under the pilot program, except as pro-  
4                   vided in clause (ii), an eligible applicant  
5                   may not use Federal assistance to satisfy  
6                   the non-Federal share of the cost under  
7                   subparagraph (A).

8                   “(ii) EXCEPTION.—An eligible appli-  
9                   cant may use funds from a secured loan  
10                  (as defined in section 601(a)) to satisfy the  
11                  non-Federal share of the cost under sub-  
12                  paragraph (A) if the loan is repayable from  
13                  non-Federal funds.

14                  “(4) RESERVATION.—

15                  “(A) IN GENERAL.—Of the amounts made  
16                  available to provide grants under this section,  
17                  the Secretary shall reserve for each fiscal year  
18                  \$150,000,000 to provide grants under the pilot  
19                  program.

20                  “(B) UNUTILIZED AMOUNTS.—In any fis-  
21                  cal year during which applications under this  
22                  subsection are insufficient to effect an award or  
23                  allocation of the entire amount reserved under  
24                  subparagraph (A), the Secretary shall use the

1 unutilized amounts to provide other grants  
2 under this section.

3 ~~“(5) SET-ASIDES.—~~

4 ~~“(A) SMALL PROJECTS.—~~

5 ~~“(i) IN GENERAL.—Of the amounts~~  
6 ~~reserved under paragraph (4)(A), the Sec-~~  
7 ~~retary shall reserve for each fiscal year not~~  
8 ~~less than 10 percent for projects eligible~~  
9 ~~for a grant under subsection (e).~~

10 ~~“(ii) REQUIREMENT.—For a grant~~  
11 ~~awarded from the amount reserved under~~  
12 ~~clause (i)—~~

13 ~~“(I) the requirements of sub-~~  
14 ~~section (e) shall apply; and~~

15 ~~“(II) the requirements of sub-~~  
16 ~~section (g) shall not apply.~~

17 ~~“(B) RURAL PROJECTS.—~~

18 ~~“(i) IN GENERAL.—Of the amounts~~  
19 ~~reserved under paragraph (4)(A), the Sec-~~  
20 ~~retary shall reserve for each fiscal year not~~  
21 ~~less than 25 percent for projects eligible~~  
22 ~~for a grant under subsection (i).~~

23 ~~“(ii) REQUIREMENT.—For a grant~~  
24 ~~awarded from the amount reserved under~~

1 clause (i); the requirements of subsection  
2 (i) shall apply.

3 ~~“(6) REPORT TO CONGRESS.—~~Not later than 2  
4 years after the date of enactment of this subsection;  
5 the Secretary shall submit to the Committee on En-  
6 vironment and Public Works of the Senate and the  
7 Committee on Transportation and Infrastructure of  
8 the House of Representatives a report that describes  
9 the administration of the pilot program, including—

10 ~~“(A) the number, types, and locations of~~  
11 ~~eligible applicants that have applied for grants~~  
12 ~~under the pilot program;~~

13 ~~“(B) the number, types, and locations of~~  
14 ~~grant recipients under the pilot program;~~

15 ~~“(C) an assessment of whether implemen-~~  
16 ~~tation of the pilot program has incentivized eli-~~  
17 ~~gible applicants to offer a greater non-Federal~~  
18 ~~share for grants under the pilot program; and~~

19 ~~“(D) any recommendations for modifica-~~  
20 ~~tions to the pilot program.”.~~

21 ~~(b) EFFICIENT USE OF NON-FEDERAL FUNDS.—~~

22 ~~(1) IN GENERAL.—~~Notwithstanding any other  
23 provision of law, in the case of a grant described in  
24 paragraph (2), section 117(k) of title 23, United

1 States Code, shall apply to the grant as if the grant  
 2 was a grant provided under that section.

3 ~~(2) GRANT DESCRIBED.~~—A grant referred to in  
 4 paragraph ~~(1)~~ is a grant that is—

5 (A) provided under a competitive discre-  
 6 tionary grant program administered by the  
 7 Federal Highway Administration;

8 (B) for a project eligible under title 23,  
 9 United States Code; and

10 (C) in an amount greater than \$5,000,000.

11 **SEC. 1111. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

12 Section 148 of title 23, United States Code, is  
 13 amended—

14 ~~(1)~~ in subsection (a)—

15 (A) in paragraph ~~(4)~~(B)—

16 (i) in clause ~~(xxviii)~~, by striking  
 17 “through ~~(xxvii)~~” and inserting “through  
 18 ~~(xxviii)~~”;

19 (ii) by redesignating clause ~~(xxviii)~~ as  
 20 clause ~~(xxix)~~; and

21 (iii) by inserting after clause ~~(xxvii)~~  
 22 the following:

23 “~~(xxviii)~~ Leading pedestrian inter-  
 24 vals.”;

1           (B) by redesignating paragraphs (10)  
2 through (12) as paragraphs (11) through (13),  
3 respectively; and

4           (C) by inserting after paragraph (9) the  
5 following:

6           “(10) SAFETY PROJECT UNDER ANY OTHER  
7 SECTION.—

8           “(A) IN GENERAL.—The term ‘safety  
9 project under any other section’ means a  
10 project carried out for the purpose of safety  
11 under any other section of this title.

12           “(B) INCLUSION.—The term ‘safety  
13 project under any other section’ includes a  
14 project, consistent with the State strategic high-  
15 way safety plan, that—

16                   “(i) promotes public awareness and  
17 informs the public regarding highway safe-  
18 ty matters (including motorcycle safety);

19                   “(ii) facilitates enforcement of traffic  
20 safety laws;

21                   “(iii) provides infrastructure and in-  
22 frastructure-related equipment to support  
23 emergency services; or

1           “~~(iv)~~ conducts safety-related research  
2           to evaluate experimental safety counter-  
3           measures or equipment.”;

4           (2) in subsection (c)(1)(A), by striking “sub-  
5           sections (a)(11)” and inserting “subsections  
6           (a)(12)”;

7           (3) in subsection (d)(2)(B)(i), by striking “sub-  
8           section (a)(11)” and inserting “subsection (a)(12)”;  
9           and

10          (4) in subsection (e), by adding at the end the  
11          following:

12           “~~(3)~~ FLEXIBLE FUNDING FOR SAFETY  
13          PROJECTS UNDER ANY OTHER SECTION.—

14           “~~(A)~~ IN GENERAL.—To advance the imple-  
15          mentation of a State strategic highway safety  
16          plan, a State may use not more than 25 percent  
17          of the amounts apportioned to the State under  
18          section 104(b)~~(3)~~ for a fiscal year to carry out  
19          safety projects under any other section.

20           “~~(B)~~ OTHER TRANSPORTATION AND HIGH-  
21          WAY SAFETY PLANS.—Nothing in this para-  
22          graph requires a State to revise any State proc-  
23          ess, plan, or program in effect on the date of  
24          enactment of this paragraph.”.

1 **SEC. 1112. FEDERAL LANDS TRANSPORTATION PROGRAM.**

2 Section 203(a) of title 23, United States Code, is  
3 amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (B), by adding “and”  
6 at the end;

7 (B) in subparagraph (C), by striking “;  
8 and” and inserting a period; and

9 (C) in subparagraph (D), by striking  
10 “\$10,000,000” and inserting “\$20,000,000”;  
11 and

12 (2) by adding at the end the following:

13 “(6) NATIVE PLANT MATERIALS.—In carrying  
14 out an activity described in paragraph (1), the entity  
15 carrying out the activity shall consider—

16 “(A) the use of locally adapted native plant  
17 materials; and

18 “(B) designs that minimize runoff and  
19 heat generation.”.

20 **SEC. 1113. FEDERAL LANDS ACCESS PROGRAM.**

21 Section 204(a) of title 23, United States Code, is  
22 amended—

23 (1) in paragraph (1)(A)—

24 (A) in the matter preceding clause (i), by  
25 inserting “context-sensitive solutions,” after  
26 “restoration,”;

1           (B) in clause (i), by inserting “, including  
2           interpretive panels in or adjacent to those  
3           areas” after “areas”;

4           (C) in clause (v), by striking “and” at the  
5           end;

6           (D) by redesignating clause (vi) as clause  
7           (ix); and

8           (E) by inserting after clause (v) the fol-  
9           lowing:

10                   “(vi) contextual wayfinding markers;

11                   “(vii) landscaping;

12                   “(viii) cooperative mitigation of visual  
13                   blight, including screening or removal;  
14                   and”;

15           (2) by adding at the end the following:

16                   “(6) NATIVE PLANT MATERIALS.—In carrying  
17                   out an activity described in paragraph (1), the Sec-  
18                   retary shall ensure that the entity carrying out the  
19                   activity considers—

20                           “(A) the use of locally adapted native plant  
21                           materials; and

22                           “(B) designs that minimize runoff and  
23                           heat generation.”.

1 **SEC. 1114. NATIONAL HIGHWAY FREIGHT PROGRAM.**

2 Section 167 of title 23, United States Code, is  
3 amended—

4 (1) in subsection (e)—

5 (A) in paragraph (2), by striking “150  
6 miles” and inserting “300 miles”; and

7 (B) by adding at the end the following:

8 “(3) **RURAL STATES.**—Notwithstanding para-  
9 graph (2), a State with a population per square mile  
10 of area that is less than the national average, based  
11 on the 2010 census, may designate as critical rural  
12 freight corridors a maximum of 600 miles of high-  
13 way or 25 percent of the primary highway freight  
14 system mileage in the State, whichever is greater.”;

15 (2) in subsection (f)(4), by striking “75 miles”  
16 and inserting “150 miles”; and

17 (3) in subsection (i)(5)(B)—

18 (A) in the matter preceding clause (i), by  
19 striking “10 percent” and inserting “30 per-  
20 cent”;

21 (B) in clause (i), by striking “and” at the  
22 end;

23 (C) in clause (ii), by striking the period at  
24 the end and inserting a semicolon; and

25 (D) by adding at the end the following:

1           “~~(iii)~~ for the modernization or reha-  
 2           bilitation of a lock and dam, if the Sec-  
 3           retary determines that the project—

4                   “~~(I)~~ is functionally connected to  
 5                   the National Highway Freight Net-  
 6                   work; and

7                   “~~(II)~~ is likely to reduce on-road  
 8                   mobile source emissions; and

9           “~~(iv)~~ on a marine highway corridor,  
 10           connector, or crossing designated by the  
 11           Secretary under section 55601(e) of title  
 12           46 (including an inland waterway corridor,  
 13           connector, or crossing), if the Secretary de-  
 14           termines that the project—

15                   “~~(I)~~ is functionally connected to  
 16                   the National Highway Freight Net-  
 17                   work; and

18                   “~~(II)~~ is likely to reduce on-road  
 19                   mobile source emissions.”.

20 **SEC. 1415. CONGESTION MITIGATION AND AIR QUALITY IM-**  
 21 **PROVEMENT PROGRAM.**

22           Section 149 of title 23, United States Code, is  
 23 amended—

24                   ~~(1)~~ in subsection (b)—

1           (A) in the matter preceding paragraph (1),  
2           by striking “subsection (d)” and inserting “sub-  
3           sections (d) and (m)(1)(B)(ii)”

4           (B) in paragraph (8)(B), by striking “or”  
5           at the end;

6           (C) in paragraph (9), by striking the pe-  
7           riod at the end and inserting a semicolon; and

8           (D) by adding at the end the following:

9           “(10) if the project is for the modernization or  
10          rehabilitation of a lock and dam that—

11           “(A) is functionally connected to the Fed-  
12          eral-aid highway system; and

13           “(B) the Secretary determines is likely to  
14          contribute to the attainment or maintenance of  
15          a national ambient air quality standard; or

16           “(11) if the project is on a marine highway cor-  
17          ridor, connector, or crossing designated by the Sec-  
18          retary under section 55601(e) of title 46 (including  
19          an inland waterway corridor, connector, or crossing)  
20          that—

21           “(A) is functionally connected to the Fed-  
22          eral-aid highway system; and

23           “(B) the Secretary determines is likely to  
24          contribute to the attainment or maintenance of  
25          a national ambient air quality standard.”;

1           (2) in subsection (c), by adding at the end the  
2 following:

3           “~~(4) LOCKS AND DAMS; MARINE HIGHWAYS.—~~  
4 For each fiscal year, a State may not obligate more  
5 than 10 percent of the funds apportioned to the  
6 State under section 104(b)(4) for projects described  
7 in paragraphs (10) and (11) of subsection (b).”;

8           (3) by striking subsection (m) and inserting the  
9 following:

10          “~~(m) OPERATING ASSISTANCE.—~~

11           “~~(1) IN GENERAL.—~~A State may obligate funds  
12 apportioned under section 104(b)(4) in an area of  
13 the State that is otherwise eligible for obligations of  
14 such funds for operating costs—

15           “~~(A) under chapter 53 of title 49; or~~

16           “~~(B) on—~~

17           “~~(i) a system for which CMAQ fund-~~  
18           ing was eligible, made available, obligated,  
19           or expended in fiscal year 2012; or

20           “~~(ii) a State-supported Amtrak route~~  
21           with a valid cost-sharing agreement under  
22           section 209 of the Passenger Rail Invest-  
23           ment and Improvement Act of 2008 (49  
24           U.S.C. 24101 note; Public Law 110–432)

1                   and no current nonattainment areas under  
2                   subsection (d).

3                   ~~“(2) NO TIME LIMITATION.—Operating assist-~~  
4                   ~~ance provided under paragraph (1) shall have no im-~~  
5                   ~~posed time limitation if the operating assistance is~~  
6                   ~~for—~~

7                   ~~“(A) a route described in subparagraph~~  
8                   ~~(B)(ii) of that paragraph; or~~

9                   ~~“(B) a transit system that is located in—~~

10                   ~~“(i) a non-urbanized area; or~~

11                   ~~“(ii) an urbanized area with a popu-~~  
12                   ~~lation of 200,000 or fewer.”.~~

13 **SEC. 1116. NATIONAL SCENIC BYWAYS PROGRAM.**

14                   (a) **REQUEST FOR NOMINATIONS.**—Not later than 90  
15 days after the date of enactment of this Act, the Secretary  
16 shall issue a request for nominations with respect to roads  
17 to be designated under the national scenic byways pro-  
18 gram, as described in section 162(a) of title 23, United  
19 States Code. The Secretary shall make the request for  
20 nominations available on the appropriate website of the  
21 Department.

22                   (b) **DESIGNATION DETERMINATIONS.**—Not later  
23 than 1 year after the date on which the request for nomi-  
24 nations required under subsection (a) is issued, the Sec-  
25 retary shall make publicly available on the appropriate

1 website of the Department a list specifying the roads,  
2 nominated pursuant to such request, to be designated  
3 under the national scenic byways program.

4 **SEC. 1117. ALASKA HIGHWAY.**

5 Section 218 of title 23, United States Code, is  
6 amended to read as follows:

7 **“§ 218. Alaska Highway**

8 “(a) Recognizing the benefits that will accrue to the  
9 State of Alaska and to the United States from the recon-  
10 struction of the Alaska Highway from the Alaskan border  
11 at Beaver Creek, Yukon Territory, to Haines Junction in  
12 Canada and the Haines Cutoff Highway from Haines  
13 Junction in Canada to Haines, Alaska, the Secretary may  
14 provide for the necessary reconstruction of the highway  
15 using funds awarded through an applicable competitive  
16 grant program, if the highway meets all applicable eligi-  
17 bility requirements for the program, except for the specific  
18 requirements established by the agreement for the Alaska  
19 Highway Project between the Government of the United  
20 States and the Government of Canada. In addition to the  
21 funds described in the previous sentence, notwithstanding  
22 any other provision of law and on agreement with the  
23 State of Alaska, the Secretary is authorized to expend on  
24 such highway or the Alaska Marine Highway System any  
25 Federal-aid highway funds apportioned to the State of

1 Alaska under this title at a Federal share of 100 per cen-  
2 tum. No expenditures shall be made for the construction  
3 of the portion of such highways that are in Canada unless  
4 an agreement is in place between the Government of Can-  
5 ada and the Government of the United States (including  
6 an agreement in existence on the date of enactment of the  
7 America’s Transportation Infrastructure Act of 2019)  
8 that provides, in part, that the Canadian Government—

9           “(1) will provide, without participation of funds  
10 authorized under this title, all necessary right-of-way  
11 for the reconstruction of such highways;

12           “(2) will not impose any highway toll, or permit  
13 any such toll to be charged for the use of such high-  
14 ways by vehicles or persons;

15           “(3) will not levy or assess, directly or indi-  
16 rectly, any fee, tax, or other charge for the use of  
17 such highways by vehicles or persons from the  
18 United States that does not apply equally to vehicles  
19 or persons of Canada;

20           “(4) will continue to grant reciprocal recogni-  
21 tion of vehicle registration and driver’s licenses in  
22 accordance with agreements between the United  
23 States and Canada; and

1           “(5) will maintain such highways after their  
2           completion in proper condition adequately to serve  
3           the needs of present and future traffic.

4           “(b) The survey and construction work undertaken  
5           in Canada pursuant to this section shall be under the gen-  
6           eral supervision of the Secretary.

7           “(c) For purposes of this section, the term ‘Alaska  
8           Marine Highway System’ includes all existing or planned  
9           transportation facilities and equipment in Alaska, includ-  
10          ing the lease, purchase, or construction of vessels, termi-  
11          nals, docks, floats, ramps, staging areas, parking lots,  
12          bridges and approaches thereto, and necessary roads.”.

13       **SEC. 1118. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

14          Section 129(e) of title 23, United States Code, is  
15          amended in the matter preceding paragraph (1) by strik-  
16          ing “the construction of ferry boats and ferry terminal fa-  
17          cilities, whether toll or free,” and inserting “the construc-  
18          tion of ferry boats and ferry terminal facilities (including  
19          ferry maintenance facilities), whether toll or free, and the  
20          procurement of transit vehicles used exclusively as an inte-  
21          gral part of an intermodal ferry trip,”.

22       **SEC. 1119. BRIDGE INVESTMENT PROGRAM.**

23          (a) IN GENERAL.—Chapter 1 of title 23, United  
24          States Code, is amended by inserting after section 123 the  
25          following:

1 **“§ 124. Bridge investment program**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ELIGIBLE PROJECT.—

4 “(A) IN GENERAL.—The term ‘eligible  
5 project’ means a project to replace, rehabilitate,  
6 preserve, or protect 1 or more bridges on the  
7 National Bridge Inventory under section  
8 144(b).

9 “(B) INCLUSIONS.—The term ‘eligible  
10 project’ includes—

11 “(i) a bundle of projects described in  
12 subparagraph (A), regardless of whether  
13 the bundle of projects meets the require-  
14 ments of section 144(j)(5); and

15 “(ii) a project to replace or rehabili-  
16 tate culverts for the purpose of improving  
17 flood control and improved habitat  
18 connectivity for aquatic species.

19 “(2) LARGE PROJECT.—The term ‘large  
20 project’ means an eligible project with total eligible  
21 project costs of greater than \$100,000,000.

22 “(3) PROGRAM.—The term ‘program’ means  
23 the bridge investment program established by sub-  
24 section (b)(1).

25 “(b) ESTABLISHMENT OF BRIDGE INVESTMENT PRO-  
26 GRAM.—

1           “(1) IN GENERAL.—There is established a  
2 bridge investment program to provide financial as-  
3 sistance for eligible projects under this section.

4           “(2) GOALS.—The goals of the program shall  
5 be—

6                   “(A) to improve the safety, efficiency, and  
7 reliability of the movement of people and freight  
8 over bridges;

9                   “(B) to improve the condition of bridges in  
10 the United States by reducing—

11                           “(i) the number of bridges—

12                                   “(I) in poor condition; or

13                                   “(II) in fair condition and at risk  
14 of falling into poor condition within  
15 the next 3 years;

16                           “(ii) the total person miles traveled  
17 over bridges—

18                                   “(I) in poor condition; or

19                                   “(II) in fair condition and at risk  
20 of falling into poor condition within  
21 the next 3 years;

22                           “(iii) the number of bridges that—

23                                   “(I) do not meet current geo-  
24 metric design standards; or

1                   “(H) cannot meet the load and  
2                   traffic requirements typical of the re-  
3                   gional transportation network; and

4                   “(iv) the total person miles traveled  
5                   over bridges that—

6                   “(I) do not meet current geo-  
7                   metric design standards; or

8                   “(II) cannot meet the load and  
9                   traffic requirements typical of the re-  
10                  gional transportation network; and

11                  “(C) to provide financial assistance that  
12                  leverages and encourages non-Federal contribu-  
13                  tions from sponsors and stakeholders involved  
14                  in the planning, design, and construction of eli-  
15                  gible projects.

16                  “(e) GRANT AUTHORITY.—

17                  “(1) IN GENERAL.—In carrying out the pro-  
18                  gram, the Secretary may award grants, on a com-  
19                  petitive basis, in accordance with this section.

20                  “(2) GRANT AMOUNTS.—Except as otherwise  
21                  provided, a grant under the program shall be—

22                  “(A) in the case of a large project, in an  
23                  amount that is—

1           “(i) adequate to fully fund the project  
2           (in combination with other financial re-  
3           sources identified in the application); and

4           “(ii) not less than \$50,000,000; and

5           “(B) in the case of any other eligible  
6           project, in an amount that is—

7           “(i) adequate to fully fund the project  
8           (in combination with other financial re-  
9           sources identified in the application); and

10           “(ii) not less than \$2,500,000.

11           “(3) MAXIMUM AMOUNT.—Except as otherwise  
12           provided, for an eligible project receiving assistance  
13           under the program, the amount of assistance pro-  
14           vided by the Secretary under this section, as a share  
15           of eligible project costs, shall be—

16           “(A) in the case of a large project, not  
17           more than 50 percent; and

18           “(B) in the case of any other eligible  
19           project, not more than 80 percent.

20           “(4) FEDERAL SHARE.—

21           “(A) MAXIMUM FEDERAL INVOLVE-  
22           MENT.—Federal assistance other than a grant  
23           under the program may be used to satisfy the  
24           non-Federal share of the cost of a project for  
25           which a grant is made, except that the total

1 Federal assistance provided for a project receiv-  
2 ing a grant under the program may not exceed  
3 the Federal share for the project under section  
4 ~~120~~.

5 “(B) OFF-SYSTEM BRIDGES.—In the case  
6 of an eligible project for an off-system bridge  
7 (as defined in section ~~133(f)(1)~~)—

8 “(i) Federal assistance other than a  
9 grant under the program may be used to  
10 satisfy the non-Federal share of the cost of  
11 a project; and

12 “(ii) notwithstanding subparagraph  
13 (A), the total Federal assistance provided  
14 for the project shall not exceed 90 percent  
15 of the total eligible project costs.

16 “(C) FEDERAL LAND MANAGEMENT AGEN-  
17 CIES AND TRIBAL GOVERNMENTS.—Notwith-  
18 standing any other provision of law, Federal  
19 funds other than Federal funds made available  
20 under this section may be used to pay the re-  
21 maining share of the cost of a project under the  
22 program by a Federal land management agency  
23 or a Tribal government or consortium of Tribal  
24 governments.

25 “(5) CONSIDERATIONS.—

1           “(A) IN GENERAL.—In awarding grants  
2 under the program, the Secretary shall con-  
3 sider—

4           “(i) in the case of a large project, the  
5 ratings assigned under subsection  
6 (g)(5)(A);

7           “(ii) in the case of an eligible project  
8 other than a large project, the quality rat-  
9 ing assigned under subsection (f)(3)(A)(ii);

10          “(iii) the average daily person and  
11 freight throughput supported by the eligi-  
12 ble project;

13          “(iv) the number and percentage of  
14 bridges within the same State as the eligi-  
15 ble project that are in poor condition;

16          “(v) the extent to which the eligible  
17 project demonstrates cost savings by bun-  
18 dling multiple bridge projects;

19          “(vi) in the case of an eligible project  
20 of a Federal land management agency, the  
21 extent to which the grant would reduce a  
22 Federal liability or Federal infrastructure  
23 maintenance backlog;

24          “(vii) geographic diversity among  
25 grant recipients, including the need for a

1 balance between the needs of rural and  
 2 urban communities; and

3 “(viii) the extent to which a bridge  
 4 that would be assisted with a grant—

5 “(I) is, without that assistance—

6 “(aa) at risk of falling into  
 7 or remaining in poor condition;  
 8 or

9 “(bb) in fair condition and  
 10 at risk of falling into poor condi-  
 11 tion within the next 3 years;

12 “(II) does not meet current geo-  
 13 metric design standards based on—

14 “(aa) the current use of the  
 15 bridge; or

16 “(bb) load and traffic re-  
 17 quirements typical of the regional  
 18 corridor or local network in  
 19 which the bridge is located; or

20 “(III) does not meet current seis-  
 21 mic design standards.

22 “(B) REQUIREMENT.—The Secretary  
 23 shall—

1           “(i) give priority to an application for  
2           an eligible project that is located within a  
3           State for which—

4                   “(I) 2 or more applications for  
5                   eligible projects within the State were  
6                   submitted for the current fiscal year  
7                   and an average of 2 or more applica-  
8                   tions for eligible projects within the  
9                   State were submitted in prior fiscal  
10                  years of the program; and

11                  “(II) fewer than 2 grants have  
12                  been awarded for eligible projects  
13                  within the State under the program;

14           “(ii) during the period of fiscal years  
15           2021 through 2025, for each State de-  
16           scribed in clause (i), select—

17                   “(I) not fewer than 1 large  
18                   project that the Secretary determines  
19                   is justified under the evaluation under  
20                   subsection (g)(4); or

21                   “(II) 2 eligible projects that are  
22                   not large projects that the Secretary  
23                   determines are justified under the  
24                   evaluation under subsection (f)(3);  
25                   and

1           “(iii) not be required to award a grant  
2           for an eligible project that the Secretary  
3           does not determine is justified under an  
4           evaluation under subsection (f)(3) or  
5           (g)(4).

6           “(6) CULVERT LIMITATION.—Not more than 5  
7           percent of the amounts made available for each fis-  
8           cal year for grants under the program may be used  
9           for eligible projects that consist solely of culvert re-  
10          placement or rehabilitation.

11          “(d) ELIGIBLE ENTITY.—The Secretary may make  
12 a grant under the program to any of the following:

13           “(1) A State or a group of States.

14           “(2) A metropolitan planning organization that  
15           serves an urbanized area (as designated by the Bu-  
16           reau of the Census) with a population of over  
17           200,000.

18           “(3) A unit of local government or a group of  
19           local governments.

20           “(4) A political subdivision of a State or local  
21           government.

22           “(5) A special purpose district or public author-  
23           ity with a transportation function.

24           “(6) A Federal land management agency.

1           “(7) A Tribal government or a consortium of  
2 Tribal governments.

3           “(8) A multistate or multijurisdictional group  
4 of entities described in paragraphs (1) through (7).

5           “(e) ELIGIBLE PROJECT REQUIREMENTS.—The Sec-  
6 retary may make a grant under the program only to an  
7 eligible entity for an eligible project that—

8           “(1) in the case of a large project, the Sec-  
9 retary recommends for funding in the annual report  
10 on funding recommendations under subsection  
11 (g)(6);

12           “(2) is reasonably expected to begin construc-  
13 tion not later than 18 months after the date on  
14 which funds are obligated for the project; and

15           “(3) is based on the results of preliminary engi-  
16 neering.

17           “(f) COMPETITIVE PROCESS AND EVALUATION OF  
18 ELIGIBLE PROJECTS OTHER THAN LARGE PROJECTS.—

19           “(1) COMPETITIVE PROCESS.—

20           “(A) IN GENERAL.—The Secretary shall—

21           “(i) for the first fiscal year for which  
22 funds are made available for obligation  
23 under the program, not later than 60 days  
24 after the date on which the template under  
25 subparagraph (B)(i) is developed; and in

1 subsequent fiscal years, not later than 60  
2 days after the date on which amounts are  
3 made available for obligation under the  
4 program; solicit grant applications for eli-  
5 gible projects other than large projects;  
6 and

7 “(ii) not later than 120 days after the  
8 date on which the solicitation under clause  
9 (i) expires; conduct evaluations under  
10 paragraph (3).

11 “(B) REQUIREMENTS.—In carrying out  
12 subparagraph (A), the Secretary shall—

13 “(i) develop a template for applicants  
14 to use to summarize project needs and  
15 benefits, including benefits described in  
16 paragraph (3)(B)(i); and

17 “(ii) enable applicants to use data  
18 from the National Bridge Inventory under  
19 section 144(b) to populate templates de-  
20 scribed in clause (i), as applicable.

21 “(2) APPLICATIONS.—An eligible entity shall  
22 submit to the Secretary an application at such time,  
23 in such manner, and containing such information as  
24 the Secretary may require.

25 “(3) EVALUATION.—

1           “(A) IN GENERAL.—Prior to providing a  
2 grant under this subsection, the Secretary  
3 shall—

4           “(i) conduct an evaluation of each eli-  
5 gible project for which an application is re-  
6 ceived under this subsection; and

7           “(ii) assign a quality rating to the eli-  
8 gible project on the basis of the evaluation  
9 under clause (i).

10          “(B) REQUIREMENTS.—In carrying out an  
11 evaluation under subparagraph (A), the Sec-  
12 retary shall—

13          “(i) consider information on project  
14 benefits submitted by the applicant using  
15 the template developed under paragraph  
16 (1)(B)(i), including whether the project  
17 will generate, as determined by the Sec-  
18 retary—

19                  “(I) costs avoided by the preven-  
20 tion of closure or reduced use of the  
21 bridge to be improved by the project;

22                  “(II) in the case of a bundle of  
23 projects, benefits from executing the  
24 projects as a bundle compared to as  
25 individual projects;

- 1           ~~“(III) safety benefits, including~~  
2           ~~the reduction of accidents and related~~  
3           ~~costs;~~
- 4           ~~“(IV) person and freight mobility~~  
5           ~~benefits, including congestion reduc-~~  
6           ~~tion and reliability improvements;~~
- 7           ~~“(V) national or regional eco-~~  
8           ~~nomie benefits;~~
- 9           ~~“(VI) benefits from long-term re-~~  
10          ~~siliency to extreme weather events,~~  
11          ~~flooding, or other natural disasters;~~
- 12          ~~“(VII) benefits from protection~~  
13          ~~(as described in section 133(b)(10)),~~  
14          ~~including improving seismic or scour~~  
15          ~~protection;~~
- 16          ~~“(VIII) environmental benefits,~~  
17          ~~including wildlife connectivity;~~
- 18          ~~“(IX) benefits to nonvehicular~~  
19          ~~and public transportation users;~~
- 20          ~~“(X) benefits of using—~~
- 21                  ~~“(aa) innovative design and~~  
22                  ~~construction techniques; or~~
- 23                  ~~“(bb) innovative tech-~~  
24                  ~~nologies; or~~

1                   “(XI) reductions in maintenance  
2                   costs; including, in the case of a feder-  
3                   ally-owned bridge, cost savings to the  
4                   Federal budget; and

5                   “(ii) consider whether and the extent  
6                   to which the benefits; including the bene-  
7                   fits described in clause (i); are more likely  
8                   than not to outweigh the total project  
9                   costs.

10           “(g) COMPETITIVE PROCESS, EVALUATION, AND AN-  
11 NUAL REPORT FOR LARGE PROJECTS.—

12                   “(1) IN GENERAL.—The Secretary shall estab-  
13                   lish an annual date by which an eligible entity sub-  
14                   mitting an application for a large project shall sub-  
15                   mit to the Secretary such information as the Sec-  
16                   retary may require; including information described  
17                   in paragraph (2); in order for a large project to be  
18                   considered for a recommendation by the Secretary  
19                   for funding in the next annual report under para-  
20                   graph (6).

21                   “(2) INFORMATION REQUIRED.—The informa-  
22                   tion referred to in paragraph (1) includes—

23                           “(A) all necessary information required for  
24                   the Secretary to evaluate the large project; and

1           “(B) information sufficient for the Sec-  
2           retary to determine that—

3                   “(i) the large project meets the appli-  
4                   cable requirements under this section; and

5                   “(ii) there is a reasonable likelihood  
6                   that the large project will continue to meet  
7                   the requirements under this section.

8           “(3) DETERMINATION; NOTICE.—On making a  
9           determination that information submitted to the  
10          Secretary under paragraph (1) is sufficient, the Sec-  
11          retary shall provide a written notice of that deter-  
12          mination to—

13                   “(A) the eligible entity that submitted the  
14                   application;

15                   “(B) the Committee on Environment and  
16                   Public Works of the Senate; and

17                   “(C) the Committee on Transportation and  
18                   Infrastructure of the House of Representatives.

19          “(4) EVALUATION.—The Secretary may rec-  
20          ommend a large project for funding in the annual  
21          report under paragraph (6) only if the Secretary  
22          evaluates the proposed project and determines that  
23          the project is justified because the project—

24                   “(A) addresses a need to improve the con-  
25                   dition of the bridge, as determined by the Sec-

1           retary, consistent with the goals of the program  
2           under subsection (b)(2);

3           “(B) will generate, as determined by the  
4           Secretary—

5           “(i) costs avoided by the prevention of  
6           closure or reduced use of the bridge to be  
7           improved by the project;

8           “(ii) in the case of a bundle of  
9           projects, benefits from executing the  
10          projects as a bundle compared to as indi-  
11          vidual projects;

12          “(iii) safety benefits, including the re-  
13          duction of accidents and related costs;

14          “(iv) person and freight mobility bene-  
15          fits, including congestion reduction and re-  
16          liability improvements;

17          “(v) national or regional economic  
18          benefits;

19          “(vi) benefits from long-term resil-  
20          iency to extreme weather events, flooding,  
21          or other natural disasters;

22          “(vii) benefits from protection (as de-  
23          scribed in section 133(b)(10)), including  
24          improving seismic or scour protection;

1                   “(viii) environmental benefits, includ-  
2                   ing wildlife connectivity;  
3                   “(ix) benefits to nonvehicular and  
4                   public transportation users;  
5                   “(x) benefits of using—  
6                       “(I) innovative design and con-  
7                       struction techniques; or  
8                       “(II) innovative technologies; or  
9                   “(xi) reductions in maintenance costs,  
10                  including, in the case of a federally-owned  
11                  bridge, cost savings to the Federal budget;  
12                  “(C) is cost effective based on an analysis  
13                  of whether the benefits and avoided costs de-  
14                  scribed in subparagraph (B) are expected to  
15                  outweigh the project costs;  
16                  “(D) is supported by other Federal or non-  
17                  Federal financial commitments or revenues ade-  
18                  quate to fund ongoing maintenance and preser-  
19                  vation; and  
20                  “(E) is consistent with the objectives of an  
21                  applicable asset management plan of the project  
22                  sponsor, including a State asset management  
23                  plan under section 119(e) in the case of a  
24                  project on the National Highway System that is  
25                  sponsored by a State.

1 “(5) RATINGS.—

2 “(A) IN GENERAL.—The Secretary shall  
3 develop a methodology to evaluate and rate a  
4 large project on a 5-point scale (the points of  
5 which include ‘high’, ‘medium-high’, ‘medium’,  
6 ‘medium-low’, and ‘low’) for each of—

7 “(i) paragraph (4)(B);

8 “(ii) paragraph (4)(C); and

9 “(iii) paragraph (4)(D).

10 “(B) REQUIREMENT.—To be considered  
11 justified and receive a recommendation for  
12 funding in the annual report under paragraph  
13 (6), a project shall receive a rating of not less  
14 than ‘medium’ for each rating required under  
15 subparagraph (A).

16 “(6) ANNUAL REPORT ON FUNDING REC-  
17 OMMENDATIONS FOR LARGE PROJECTS.—

18 “(A) IN GENERAL.—Not later than the  
19 first Monday in February of each year, the Sec-  
20 retary shall submit to the Committees on  
21 Transportation and Infrastructure and Appro-  
22 priations of the House of Representatives and  
23 the Committees on Environment and Public  
24 Works and Appropriations of the Senate a re-  
25 port that includes—

1           “(i) a list of large projects that have  
2 requested a recommendation for funding  
3 under a new grant agreement from funds  
4 anticipated to be available to carry out this  
5 subsection in the next fiscal year;

6           “(ii) the evaluation under paragraph  
7 (4) and ratings under paragraph (5) for  
8 each project referred to in clause (i);

9           “(iii) the grant amounts that the Sec-  
10 retary recommends providing to large  
11 projects in the next fiscal year, including—

12               “(I) scheduled payments under  
13 previously signed multiyear grant  
14 agreements under subsection (j);

15               “(II) payments for new grant  
16 agreements, including single-year  
17 grant agreements and multiyear grant  
18 agreements; and

19               “(III) a description of how  
20 amounts anticipated to be available  
21 for the program from the Highway  
22 Trust Fund for that fiscal year will be  
23 distributed; and

24           “(iv) for each project for which the  
25 Secretary recommends a new multiyear

1 grant agreement under subsection (j); the  
2 proposed payout schedule for the project.

3 “(B) LIMITATIONS.—

4 “(i) IN GENERAL.—The Secretary  
5 shall not recommend in an annual report  
6 under this paragraph a new multiyear  
7 grant agreement provided from funds from  
8 the Highway Trust Fund unless the Sec-  
9 retary determines that the project can be  
10 completed using funds that are anticipated  
11 to be available from the Highway Trust  
12 Fund in future fiscal years.

13 “(ii) GENERAL FUND PROJECTS.—

14 The Secretary—

15 “(I) may recommend for funding  
16 in an annual report under this para-  
17 graph a large project using funds  
18 from the general fund of the Treas-  
19 ury; but

20 “(II) shall not execute a grant  
21 agreement for that project unless—

22 “(aa) funds other than from  
23 the Highway Trust Fund have  
24 been made available for the  
25 project; and

1           “(bb) the Secretary deter-  
2           mines that the project can be  
3           completed using funds other than  
4           from the Highway Trust Fund  
5           that are anticipated to be avail-  
6           able in future fiscal years.

7           “(C) CONSIDERATIONS.—In selecting  
8           projects to recommend for funding in the an-  
9           nual report under this paragraph, the Secretary  
10          shall—

11           “(i) consider the amount of funds  
12           available in future fiscal years for  
13           multiyear grant agreements as described in  
14           subparagraph (B); and

15           “(ii) assume the availability of funds  
16           in future fiscal years for multiyear grant  
17           agreements that extend beyond the period  
18           of authorization based on the amount  
19           made available for large projects under the  
20           program in the last fiscal year of the pe-  
21           riod of authorization.

22          “(D) PROJECT DIVERSITY.—In selecting  
23          projects to recommend for funding in the an-  
24          nual report under this paragraph, the Secretary

1 shall ensure diversity among projects rec-  
2 ommended based on—

3 “(i) the amount of the grant re-  
4 quested; and

5 “(ii) grants for an eligible project for  
6 † bridge compared to an eligible project  
7 that is a bundle of projects.

8 “(h) ELIGIBLE PROJECT COSTS.—A grant received  
9 for an eligible project under the program may be used  
10 for—

11 “(1) development phase activities, including  
12 planning, feasibility analysis, revenue forecasting,  
13 environmental review, preliminary engineering and  
14 design work, and other preconstruction activities;

15 “(2) construction, reconstruction, rehabilitation,  
16 acquisition of real property (including land related  
17 to the project and improvements to the land), envi-  
18 ronmental mitigation, construction contingencies, ae-  
19 quisition of equipment, and operational improve-  
20 ments directly related to improving system perform-  
21 ance; and

22 “(3) expenses related to the protection (as de-  
23 scribed in section 133(b)(10)) of a bridge, including  
24 seismic or scour protection.

1       “(i) TIFIA PROGRAM.—On the request of an eligible  
2 entity carrying out an eligible project, the Secretary may  
3 use amounts awarded to the entity to pay subsidy and ad-  
4 ministrative costs necessary to provide to the entity Fed-  
5 eral credit assistance under chapter 6 with respect to the  
6 eligible project for which the grant was awarded.

7       “(j) MULTIYEAR GRANT AGREEMENTS FOR LARGE  
8 PROJECTS.—

9           “(1) IN GENERAL.—A large project that re-  
10 ceives a grant under the program in an amount of  
11 not less than \$100,000,000 may be carried out  
12 through a multiyear grant agreement in accordance  
13 with this subsection.

14           “(2) REQUIREMENTS.—A multiyear grant  
15 agreement for a large project described in paragraph  
16 (1) shall—

17           “(A) establish the terms of participation by  
18 the Federal Government in the project;

19           “(B) establish the maximum amount of  
20 Federal financial assistance for the project in  
21 accordance with paragraphs (3) and (4) of sub-  
22 section (e);

23           “(C) establish a payout schedule for the  
24 project that provides for disbursement of the  
25 full grant amount by not later than 4 fiscal

1 years after the fiscal year in which the initial  
2 amount is provided;

3 “(D) determine the period of time for com-  
4 pleting the project, even if that period extends  
5 beyond the period of an authorization; and

6 “(E) attempt to improve timely and effi-  
7 cient management of the project, consistent  
8 with all applicable Federal laws (including regu-  
9 lations).

10 “(3) SPECIAL FINANCIAL RULES.—

11 “(A) IN GENERAL.—A multiyear grant  
12 agreement under this subsection—

13 “(i) shall obligate an amount of avail-  
14 able budget authority specified in law; and

15 “(ii) may include a commitment, con-  
16 tingent on amounts to be specified in law  
17 in advance for commitments under this  
18 paragraph, to obligate an additional  
19 amount from future available budget au-  
20 thority specified in law.

21 “(B) STATEMENT OF CONTINGENT COM-  
22 MITMENT.—The agreement shall state that the  
23 contingent commitment is not an obligation of  
24 the Federal Government.

1           “(C) INTEREST AND OTHER FINANCING  
2 COSTS.—

3           “(i) IN GENERAL.—Interest and other  
4 financing costs of carrying out a part of  
5 the project within a reasonable time shall  
6 be considered a cost of carrying out the  
7 project under a multiyear grant agreement,  
8 except that eligible costs may not be more  
9 than the cost of the most favorable financ-  
10 ing terms reasonably available for the  
11 project at the time of borrowing.

12           “(ii) CERTIFICATION.—The applicant  
13 shall certify to the Secretary that the ap-  
14 plicant has shown reasonable diligence in  
15 seeking the most favorable financing  
16 terms.

17           “(4) ADVANCE PAYMENT.—Notwithstanding  
18 any other provision of law, an eligible entity carrying  
19 out a large project under a multiyear grant agree-  
20 ment—

21           “(A) may use funds made available to the  
22 eligible entity under this title for eligible project  
23 costs of the large project until the amount spec-  
24 ified in the multiyear grant agreement for the

1 project for that fiscal year becomes available for  
2 obligation; and

3 “(B) if the eligible entity uses funds as de-  
4 scribed in subparagraph (A), the funds used  
5 shall be reimbursed from the amount made  
6 available under the multiyear grant agreement  
7 for the project.

8 “(k) UNDERTAKING PARTS OF PROJECTS IN AD-  
9 VANCE UNDER LETTERS OF NO PREJUDICE.—

10 “(1) IN GENERAL.—The Secretary may pay to  
11 an applicant all eligible project costs under the pro-  
12 gram, including costs for an activity for an eligible  
13 project incurred prior to the date on which the  
14 project receives funding under the program if—

15 “(A) before the applicant carries out the  
16 activity, the Secretary approves through a letter  
17 to the applicant the activity in the same man-  
18 ner as the Secretary approves other activities as  
19 eligible under the program;

20 “(B) a record of decision, a finding of no  
21 significant impact, or a categorical exclusion  
22 under the National Environmental Policy Act of  
23 1969 (42 U.S.C. 4321 et seq.) has been issued  
24 for the eligible project; and

1           “(C) the activity is carried out without  
2           Federal assistance and in accordance with all  
3           applicable procedures and requirements.

4           “(2) INTEREST AND OTHER FINANCING  
5           COSTS.—

6           “(A) IN GENERAL.—For purposes of para-  
7           graph (1), the cost of carrying out an activity  
8           for an eligible project includes the amount of  
9           interest and other financing costs, including  
10          any interest earned and payable on bonds, to  
11          the extent interest and other financing costs are  
12          expended in carrying out the activity for the eli-  
13          gible project, except that interest and other fi-  
14          nancing costs may not be more than the cost of  
15          the most favorable financing terms reasonably  
16          available for the eligible project at the time of  
17          borrowing.

18          “(B) CERTIFICATION.—The applicant shall  
19          certify to the Secretary that the applicant has  
20          shown reasonable diligence in seeking the most  
21          favorable financing terms under subparagraph  
22          (A).

23          “(3) NO OBLIGATION OR INFLUENCE ON REC-  
24          COMMENDATIONS.—An approval by the Secretary  
25          under paragraph (1)(A) shall not—

1           “(A) constitute an obligation of the Fed-  
2           eral Government; or

3           “(B) alter or influence any evaluation  
4           under subsection (f)(3)(A)(i) or (g)(4) or any  
5           recommendation by the Secretary for funding  
6           under the program.

7           ~~“(1) FEDERALLY-OWNED BRIDGES.—~~

8           ~~“(1) DIVESTITURE CONSIDERATION.—In the~~  
9           ~~case of a bridge owned by a Federal land manage-~~  
10          ~~ment agency for which that agency applies for a~~  
11          ~~grant under the program, the agency—~~

12           ~~“(A) shall consider options to divest the~~  
13           ~~bridge to a State or local entity after comple-~~  
14           ~~tion of the project; and~~

15           ~~“(B) may apply jointly with the State or~~  
16           ~~local entity to which the bridge may be divested.~~

17          ~~“(2) TREATMENT.—Notwithstanding any other~~  
18          ~~provision of law, section 129 shall apply to a bridge~~  
19          ~~that was previously owned by a Federal land man-~~  
20          ~~agement agency and has been transferred to a non-~~  
21          ~~Federal entity under paragraph (1) in the same~~  
22          ~~manner as if the bridge was never federally owned.~~

23          ~~“(m) CONGRESSIONAL NOTIFICATION.—Not later~~  
24          ~~than 30 days before making a grant for an eligible project~~  
25          ~~under the program, the Secretary shall submit to the Com-~~

1 mittee on Transportation and Infrastructure of the House  
2 of Representatives and the Committee on Environment  
3 and Public Works of the Senate a written notification of  
4 the proposed grant that includes—

5           “(1) an evaluation and justification for the eli-  
6           gible project; and

7           “(2) the amount of the proposed grant.

8           “(n) REPORTS.—

9           “(1) ANNUAL REPORT.—Not later than August  
10          1 of each fiscal year, the Secretary shall make avail-  
11          able on the website of the Department of Transpor-  
12          tation an annual report that lists each eligible  
13          project for which a grant has been provided under  
14          the program during the fiscal year.

15          “(2) GAO ASSESSMENT AND REPORT.—Not  
16          later than 3 years after the date of enactment of the  
17          America’s Transportation Infrastructure Act of  
18          2019, the Comptroller General of the United States  
19          shall—

20                 “(A) conduct an assessment of the admin-  
21                 istrative establishment, solicitation, selection,  
22                 and justification process with respect to the  
23                 funding of grants under the program; and

24                 “(B) submit to the Committee on Trans-  
25                 portation and Infrastructure of the House of

1           Representatives and the Committee on Environ-  
2           ment and Public Works of the Senate a report  
3           that describes—

4                   “(i) the adequacy and fairness of the  
5                   process under which each eligible project  
6                   that received a grant under the program  
7                   was selected; and

8                   “(ii) the justification and criteria used  
9                   for the selection of each eligible project.

10          “(o) LIMITATION.—

11                   “(1) LARGE PROJECTS.—Of the amounts made  
12                   available out of the Highway Trust Fund (other  
13                   than the Mass Transit Account) to carry out this  
14                   section for each of fiscal years 2021 through 2025,  
15                   not less than 50 percent, in aggregate, shall be used  
16                   for large projects.

17                   “(2) UNUTILIZED AMOUNTS.—If, in fiscal year  
18                   2025, the Secretary determines that grants under  
19                   the program will not allow for the requirement under  
20                   paragraph (1) to be met, the Secretary shall use the  
21                   unutilized amounts to make other grants under the  
22                   program during that fiscal year.”.

23          “(b) CLERICAL AMENDMENT.—The analysis for chap-  
24          ter 1 of title 23, United States Code, is amended by insert-  
25          ing after the item relating to section 123 the following:

“124. Bridge investment program”.

1 **SEC. 1120. SAFE ROUTES TO SCHOOL PROGRAM.**

2 Section 1404 of SAFETEA-LU (23 U.S.C. 402 note;  
3 Public Law 109-59) is amended—

4 (1) in subsection (a), by striking “primary and  
5 middle” and inserting “primary, middle, and high”;  
6 and

7 (2) in subsection (k)(2)—

8 (A) in the heading, by striking “PRIMARY  
9 AND MIDDLE” and inserting “PRIMARY, MID-  
10 DLE, AND HIGH”;

11 (B) by striking “primary and middle” and  
12 inserting “primary, middle, and high”; and

13 (C) by striking “eighth grade” and insert-  
14 ing “12th grade”.

15 **SEC. 1121. HIGHWAY USE TAX EVASION PROJECTS.**

16 Section 143(b)(2)(A) of title 23, United States Code,  
17 is amended by striking “fiscal years 2016 through 2020”  
18 and inserting “fiscal years 2021 through 2025”.

19 **SEC. 1122. CONSTRUCTION OF FERRY BOATS AND FERRY**  
20 **TERMINAL FACILITIES.**

21 Section 147 of title 23, United States Code, is  
22 amended by striking subsection (h) and inserting the fol-  
23 lowing:

24 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
25 is authorized to be appropriated out of the Highway Trust

1 Fund (other than the Mass Transit Account) to carry out  
2 this section—

3 “(1) \$86,000,000 for fiscal year 2021;

4 “(2) \$87,000,000 for fiscal year 2022;

5 “(3) \$88,000,000 for fiscal year 2023;

6 “(4) \$89,000,000 for fiscal year 2024; and

7 “(5) \$90,000,000 for fiscal year 2025.”

8 **SEC. 1123. BALANCE EXCHANGES FOR INFRASTRUCTURE**  
9 **PROGRAM.**

10 (a) IN GENERAL.—Chapter 1 of title 23, United  
11 States Code, is amended by adding at the end the fol-  
12 lowing:

13 **“§ 171. Balance exchanges for infrastructure program**

14 **“(a) DEFINITIONS.—**In this section:

15 **“(1) ADMINISTRATIVELY ALLOCATED.—**The  
16 term ‘administratively allocated’ means the alloca-  
17 tion by the Secretary of budget authority for a  
18 project under the TIFIA program that occurs  
19 when—

20 **“(A)** a potential applicant has been invited  
21 into the creditworthiness phase for a project  
22 under the TIFIA program; or

23 **“(B)** the project is subject to a master  
24 credit agreement (as defined in section 601(a));  
25 in accordance with section 602(b)(2).

1           “(2) APPALACHIAN STATE.—The term ‘Appa-  
2           lachian State’ means a State that contains 1 or  
3           more counties in the Appalachian region (as defined  
4           in section 14102(a) of title 40).

5           “(3) PROGRAM.—The term ‘program’ means  
6           the Balance Exchanges for Infrastructure Program  
7           established under subsection (b).

8           “(4) TIFIA CARRYOVER BALANCE.—

9           “(A) IN GENERAL.—The term ‘TIFIA ear-  
10          ryover balance’ means the amounts made avail-  
11          able for the TIFIA program for previous fiscal  
12          years that are unobligated and have not been  
13          administratively allocated.

14          “(B) INCLUSION.—The term ‘TIFIA ear-  
15          ryover balance’ includes—

16                 “(i) the applicable amount of contract  
17                 authority for the amounts described in  
18                 subparagraph (A); and

19                 “(ii) the equivalent amount of obliga-  
20                 tion limitation for the fiscal year in which  
21                 the Secretary makes a transfer under sub-  
22                 section (f)(2).

23          “(5) TIFIA PROGRAM.—The term ‘TIFIA pro-  
24          gram’ has the meaning given the term in section  
25          601(a).

1       “(b) ESTABLISHMENT.—The Secretary shall estab-  
 2       lish a program, to be known as the ‘Balance Exchanges  
 3       for Infrastructure Program’, in accordance with this sec-  
 4       tion to provide flexibility for the Secretary and States to  
 5       improve highway infrastructure.

6       “(c) OFFER TO FUND PROJECTS OR EXCHANGE  
 7       FUNDS.—

8               “(1) SOLICITATION.—For each fiscal year for  
 9       which an amount is reserved under subsection (f)(1),  
 10       the Secretary shall—

11                       “(A) not later than December 1 of that fis-  
 12                       cal year—

13                               “(i) solicit requests from Appalachian  
 14                               States to return amounts under subsection  
 15                               (d)(1)(A); and

16                               “(ii) solicit applications from Appa-  
 17                               lachian States for grants under subsection  
 18                               (e); and

19                       “(B) require that, not later than 60 days  
 20       after the date of the solicitations under sub-  
 21       paragraph (A), each Appalachian State that  
 22       elects to participate in the program shall submit  
 23       to the Secretary either—

24                               “(i) a request that describes the  
 25                               amount that the Appalachian State re-

1           quests to return under subsection  
2           (d)(1)(A); or

3           “(ii) an application for a grant under  
4           subsection (e).

5       ~~“(d) EXCHANGE AGREEMENTS.—~~

6           ~~“(1) IN GENERAL.—~~The Secretary shall enter  
7       into an agreement with each Appalachian State that  
8       submits a request under subsection (e)(1)(A)(i)  
9       under which—

10           ~~“(A) the Appalachian State shall return to~~  
11       the Secretary all; or at the discretion of the Ap-  
12       palachian State, a portion of; the unobligated  
13       amounts from the Highway Trust Fund (in-  
14       cluding the applicable amount of contract au-  
15       thority and an equal amount of special no-year  
16       obligation limitation associated with that con-  
17       tract authority) apportioned to the Appalachian  
18       State for the Appalachian development highway  
19       system under section ~~14501~~ of title 40 (but not  
20       including any amounts made available by an ap-  
21       propriations Act without an initial authoriza-  
22       tion); and

23           ~~“(B) the Secretary shall transfer to the~~  
24       Appalachian State, from amounts transferred to  
25       the program under subsection (f)(2) for that

1           fiscal year, an amount (including the applicable  
2           amount of contract authority and an equal  
3           amount of annual obligation limitation) equal to  
4           the amount that the Appalachian State re-  
5           turned under subparagraph (A) that shall be  
6           used to carry out projects described in para-  
7           graph (3).

8           “(2) STATE LIMITATION.—The amount of con-  
9           tract authority returned by an Appalachian State  
10          under paragraph (1)(A) may not exceed the amount  
11          of the special no-year obligation limitation available  
12          to the Appalachian State prior to the return of the  
13          special no-year obligation limitation under that para-  
14          graph.

15          “(3) ELIGIBLE PROJECTS.—

16                 “(A) IN GENERAL.—A project eligible to  
17                 be carried out using funds transferred to an  
18                 Appalachian State under paragraph (1)(B) is a  
19                 project described in section 133(b).

20                 “(B) FEDERAL SHARE.—The Federal  
21                 share of the cost of a project carried out using  
22                 funds transferred to an Appalachian State  
23                 under paragraph (1)(B) shall be up to 100 per-  
24                 cent, at the discretion of the Appalachian State.

1           “(C) APPLICATION OF SECTION 133.—Ex-  
 2           cept as otherwise provided in this paragraph,  
 3           section 133 shall not apply to a project carried  
 4           out using funds transferred to an Appalachian  
 5           State under paragraph (1)(B).

6           “(4) TOTAL LIMITATION.—For each fiscal year,  
 7           the total amount exchanged under paragraph (1)  
 8           shall not exceed the amount available to be trans-  
 9           ferred to the program under subsection (f).

10           “(5) AMOUNTS EXCHANGED.—For each fiscal  
 11           year, if the total amount requested by all Appa-  
 12           lachian States to return under paragraph (1)(A) is  
 13           greater than the amount available to be transferred  
 14           to the program under subsection (f), the Secretary  
 15           shall exchange amounts under paragraph (1) based  
 16           on the proportion that—

17                   “(A) the amount requested to be returned  
 18                   for the fiscal year by the Appalachian State;  
 19                   bears to

20                   “(B) the amount requested to be returned  
 21                   for the fiscal year by all Appalachian States.

22           “(e) APPALACHIAN DEVELOPMENT HIGHWAY SYS-  
 23           TEM CORRIDOR GRANTS.—

24                   “(1) IN GENERAL.—Using amounts returned to  
 25                   the Secretary under subsection (d)(1)(A), the Sec-

1       retary shall provide grants of contract authority, to  
2       remain available until expended, and subject to spe-  
3       cial no-year obligation limitation, on a competitive  
4       basis to Appalachian States for eligible projects de-  
5       scribed in paragraph (2).

6               “(2) ELIGIBLE PROJECT.—A project eligible to  
7       be carried out with a grant under this subsection is  
8       a project that is—

9               “(A) eligible under section 14501 of title  
10       40 as of the date of enactment of this section;  
11       and

12              “(B) reasonably expected to begin con-  
13       struction by not later than 2 years after the  
14       date of obligation of funds provided under this  
15       subsection for the project.

16              “(3) APPLICATION.—To be eligible to receive a  
17       grant under this subsection, an Appalachian State  
18       shall submit to the Secretary an application at such  
19       time, in such manner, and containing such informa-  
20       tion as the Secretary may require.

21              “(4) FEDERAL SHARE.—The Federal share of  
22       the cost of a project carried out using a grant pro-  
23       vided under this subsection shall be up to 100 per-  
24       cent, at the discretion of the Appalachian State.

1           “(5) LIMITATION.—An Appalachian State that  
2 enters into an agreement to exchange funds under  
3 subsection (d) for any fiscal year shall not be eligible  
4 to receive a grant under this subsection.

5           “(f) TRANSFER FROM TIFIA PROGRAM.—

6           “(1) IN GENERAL.—On October 1 of each fiscal  
7 year, the Secretary shall reserve, for the purpose of  
8 funding transfers under paragraph (2) until the  
9 transfers are completed, the amount of TIFIA carry-  
10 over balance that exceeds the amount authorized to  
11 carry out the TIFIA program for that fiscal year.

12           “(2) TRANSFERS.—For each fiscal year, not  
13 later than 60 days after the date on which the Sec-  
14 retary receives the responses to the solicitations  
15 under subsection (c)(1) or the date on which the full  
16 appropriation for that fiscal year is available, which-  
17 ever is later, the Secretary shall transfer from the  
18 TIFIA program to the program an amount of con-  
19 tract authority and an equal amount of obligation  
20 limitation, to remain available until expended, that is  
21 equal to the lesser of—

22           “(A) the total amount requested by all Ap-  
23 palachian States for the fiscal year under sub-  
24 section (c)(1)(B)(i);

1           “(B) the total amount requested by all Ap-  
 2           palachian States for grants under subsection  
 3           (c)(1)(B)(ii); and

4           “(C) the amount reserved under paragraph  
 5           (1).”.

6           (b) ~~CLERICAL AMENDMENT.~~—The analysis for chap-  
 7           ter 1 of title 23, United States Code, is amended by insert-  
 8           ing after the item relating to section 170 the following:  
           “171. Balance exchanges for infrastructure program.”.

9           **SEC. 1124. SAFETY INCENTIVE PROGRAMS.**

10          (a) ~~IN GENERAL.~~—

11           (1) ~~FORMULA SAFETY INCENTIVE PROGRAM.~~—  
 12           Chapter 1 of title 23, United States Code (as  
 13           amended by section 1123(a)), is amended by adding  
 14           at the end the following:

15          **“§ 172. Formula safety incentive program**

16           “(a) ~~DEFINITIONS.~~—In this section:

17           “(1) ~~METROPOLITAN PLANNING ORGANIZATION;~~  
 18           ~~URBANIZED AREA.~~—The terms ‘metropolitan plan-  
 19           ning organization’ and ‘urbanized area’ have the  
 20           meaning given those terms in section 134(b).

21           “(2) ~~TRANSPORTATION MANAGEMENT AREA.~~—  
 22           The term ‘transportation management area’ means  
 23           a transportation management area identified or des-  
 24           ignated by the Secretary under section 134(k)(1).

1           “(3) VULNERABLE ROAD USER.—The term  
2           ‘vulnerable road user’ means a nonmotorist (as that  
3           term is used in the Fatality Analysis Reporting Sys-  
4           tem of the National Highway Traffic Safety Admin-  
5           istration).

6           “(4) VULNERABLE ROAD USER SAFETY FOCUS  
7           AREA.—The term ‘vulnerable road user safety focus  
8           area’ means—

9                   “(A) an urbanized area with combined fa-  
10                   tality rate of vulnerable road users that is  
11                   greater than 1.5 per 100,000 individuals; or

12                   “(B) a State in which fatalities of vulner-  
13                   able road users combined represents not less  
14                   than 15 percent of the total annual crash fatali-  
15                   ties in the State.

16           “(b) FORMULA FUNDING AWARDS.—

17                   “(1) IN GENERAL.—For each fiscal year, the  
18                   Secretary shall distribute among the States the  
19                   amounts made available to carry out this section for  
20                   that fiscal year in accordance with paragraph (2).

21                   “(2) DISTRIBUTION.—The amount for each  
22                   State shall be determined by multiplying the total  
23                   amount of funding made available to carry out this  
24                   section for the applicable fiscal year by the ratio  
25                   that—

1           “(A) the total base apportionment for the  
2           State under section 104(e); bears to

3           “(B) the total base apportionments for all  
4           States under section 104(e).

5           “(e) SAFETY SUPPLEMENTAL.—

6           “(1) IN GENERAL.—A State shall use 50 per-  
7           cent of the amount distributed to the State under  
8           subsection (b) for each fiscal year to carry out the  
9           eligible activities under paragraph (2).

10          “(2) ELIGIBLE ACTIVITIES.—

11           “(A) STATES.—Subject to paragraph  
12           (4)(A), a State shall use the funds under para-  
13           graph (1) for a highway safety improvement  
14           project or strategy included on the State stra-  
15           tegic highway safety plan (as defined in section  
16           148(a)) of the State.

17           “(B) MPOs.—Subject to paragraph  
18           (4)(B), a metropolitan planning organization  
19           that is required to obligate funds under sub-  
20           section (e) shall use the funds under paragraph  
21           (1) for a highway safety improvement project  
22           (as defined in section 148(a)).

23           “(3) FEDERAL SHARE.—The Federal share of  
24           the cost of a project carried out with funds under

1 paragraph (1) shall be determined in accordance  
2 with section 120.

3 “(4) LIMITATION ON FLEXIBILITY.—

4 “(A) STATES.—Notwithstanding para-  
5 graph (2)(A), a State that is a vulnerable road  
6 user safety focus area shall use the funds under  
7 paragraph (1) for a highway safety improve-  
8 ment project (as defined in section 148(a)) to  
9 improve the safety of vulnerable road users, re-  
10 gardless of whether the project is included on  
11 the State strategic highway safety plan (as de-  
12 fined in section 148(a)) of the State.

13 “(B) MPOS.—Notwithstanding paragraph  
14 (2)(B), a metropolitan planning organization  
15 that is required to obligate funds under sub-  
16 section (e) that contains an area designated as  
17 a vulnerable road user safety focus area shall  
18 use the funds under paragraph (1) for a high-  
19 way safety improvement project (as defined in  
20 section 148(a)) to improve the safety of vulner-  
21 able road users.

22 “(d) SAFETY PLANNING INCENTIVE.—

23 “(1) VULNERABLE ROAD USER SAFETY ASSESS-  
24 MENTS.—

1           “(A) IN GENERAL.—A State may, in con-  
2           sultation with metropolitan planning organiza-  
3           tions within the State, develop and publish a  
4           State vulnerable road user safety assessment  
5           described in subparagraph (B).

6           “(B) STATE VULNERABLE ROAD USER  
7           SAFETY ASSESSMENT DESCRIBED.—A vulner-  
8           able road user safety assessment referred to in  
9           subparagraph (A) is an assessment of the safe-  
10          ty performance of the State with respect to vul-  
11          nerable road users and the plan of the State,  
12          developed in consultation with the metropolitan  
13          planning organizations within the State, if any,  
14          to improve the safety of vulnerable road users,  
15          which shall—

16               “(i) include the approximate location  
17               within the State of each vulnerable road  
18               user fatality during the most recently re-  
19               ported 2-year period of final data from the  
20               Fatality Analysis Reporting System of the  
21               National Highway Traffic Safety Adminis-  
22               tration and the operating speed of the  
23               roadway at that location;

24               “(ii) include the corridors within the  
25               State on which a vulnerable road user fa-

1 tality has occurred during the most re-  
2 cently reported 2-year period of final data  
3 from the Fatality Analysis Reporting Sys-  
4 tem of the National Highway Traffic Safe-  
5 ty Administration and the operating speeds  
6 of those corridors;

7 “(iii) include a list of projects within  
8 the State that primarily address the safety  
9 of vulnerable road users that—

10 “(I) have been completed during  
11 the 2 most recent fiscal years prior to  
12 date of the publication of the vulner-  
13 able road user safety assessment, in-  
14 cluding the amount of funding that  
15 has been dedicated to those projects;  
16 described in total amounts and as a  
17 percentage of total capital expendi-  
18 tures;

19 “(II) are planned to be completed  
20 during the 2 fiscal years following the  
21 date of the publication of the vulner-  
22 able road user assessment, including  
23 the amount of funding that the State  
24 plans to be dedicated to those  
25 projects, described in total amounts

1 and as a percentage of total capital  
2 expenditures; and

3 “(III) have the potential to be in-  
4 cluded on the list described in sub-  
5 clause (II) once the permitting and  
6 approval processes for those projects  
7 are complete, including the reason for  
8 the delay in the completion of those  
9 processes, if any; and

10 “(iv) be reviewed and certified by the  
11 Secretary to have met the requirements of  
12 this subparagraph.

13 “(2) ACCELERATION OF SAFETY PROJECT DE-  
14 LIVERY.—For each project identified by a State  
15 under paragraph (1)(B)(iii)(III), to the maximum  
16 extent practicable, the Secretary, in consultation  
17 with the State, shall use the authority under section  
18 1420 of the FAST Act (23 U.S.C. 101 note; Public  
19 Law 114–94) to accelerate delivery of the project.

20 “(3) SAFETY PLAN INCENTIVE.—A State shall  
21 use 50 percent of the amounts made available to the  
22 State under subsection (b) for each fiscal year to  
23 carry out eligible activities under paragraph (4).

24 “(4) ELIGIBLE ACTIVITIES.—

1           “(A) IN GENERAL.—A State and any met-  
2           ropolitan planning organization in the State  
3           that is required to obligate funds under sub-  
4           section (e) may use funds under paragraph (3)  
5           for a project or strategy described in subsection  
6           (b)(2).

7           “(B) ADDITIONAL ELIGIBILITY INCEN-  
8           TIVE.—In addition to the eligible activities  
9           under subparagraph (A), a State and any met-  
10          ropolitan planning organization in the State  
11          that is required to obligate funds under sub-  
12          section (e) may use the funds under paragraph  
13          (3) for a project eligible under section 133(b)  
14          if—

15               “(i) the State has, within the fiscal  
16               year prior to the fiscal year in which the  
17               Secretary is making the grant or by a  
18               deadline established by the Secretary in  
19               the fiscal year in which the Secretary is  
20               making the grant, conducted and published  
21               a vulnerable road user safety assessment  
22               described in paragraph (1)(B) that has  
23               been approved by the Secretary under  
24               clause (iv) of that paragraph; or

1           “(ii) for a State that has previously  
2 published a vulnerable road user safety as-  
3 sessment described in paragraph (1)(B)  
4 that has been approved by the Secretary  
5 under clause (iv) of that paragraph—

6           “(I) the State has, within the fis-  
7 cal year prior to the fiscal year in  
8 which the Secretary is making the  
9 grant or by a deadline established by  
10 the Secretary in the fiscal year in  
11 which the Secretary is making the  
12 grant, updated the estimates de-  
13 scribed in clauses (i) and (ii) of para-  
14 graph (1)(B); and

15           “(II) the State and the metro-  
16 politan planning organization have,  
17 within the 4 fiscal years prior to the  
18 fiscal year in which the Secretary is  
19 making the grant or by a deadline es-  
20 tablished by the Secretary in the fiscal  
21 year in which the Secretary is making  
22 the grant, incorporated a vulnerable  
23 road user safety assessment described  
24 in paragraph (1)(B) into—

1                   “(aa) a long-range transpor-  
 2                   tation plan developed by the met-  
 3                   ropolitan planning organization  
 4                   under section 134(e), if any; and

5                   “(bb) the long-range state-  
 6                   wide transportation plan devel-  
 7                   oped by the State under section  
 8                   135(f)(1).

9                   “(5) FEDERAL SHARE.—The Federal share of  
 10                  the cost of a project carried out using funds under  
 11                  paragraph (3)—

12                   “(A) in the case of a State or metropolitan  
 13                  planning organization within a State that meets  
 14                  the requirements under paragraph (4)(B), may  
 15                  be up to 100 percent, at the discretion of the  
 16                  State; and

17                   “(B) in the case of a State or metropolitan  
 18                  planning organization within a State that is not  
 19                  described in subparagraph (A), shall be deter-  
 20                  mined in accordance with section 120.

21                  “(e) SUBALLOCATION REQUIREMENTS.—

22                   “(1) IN GENERAL.—For each fiscal year, of the  
 23                  funds made available to a State under subsections  
 24                  (c) and (d)—

1           “(A) 65 percent of each amount shall be  
2 obligated, in proportion to their relative shares  
3 of the population of the State—

4           “(i) in urbanized areas of the State  
5 with an urbanized area population of over  
6 200,000; and

7           “(ii) in other areas of the State; and

8           “(B) the remainder may be obligated in  
9 any area of the State.

10          “(2) METROPOLITAN AREAS.—Funds attributed  
11 to an urbanized area under paragraph (1)(A)(i) may  
12 be obligated in the metropolitan area established  
13 under section 134 that encompasses the urbanized  
14 area.

15          “(3) DISTRIBUTION AMONG URBANIZED AREAS  
16 OF OVER 200,000 POPULATION.—

17           “(A) IN GENERAL.—Except as provided in  
18 subparagraph (B), the amount that a State is  
19 required to obligate under paragraph (1)(A)(i)  
20 shall be obligated in urbanized areas described  
21 in paragraph (1)(A)(i) based on the relative  
22 population of the areas.

23           “(B) OTHER FACTORS.—The State may  
24 obligate the funds described in subparagraph  
25 (A) based on other factors if—

1           “(i) the State and the relevant metro-  
 2           politan planning organizations jointly apply  
 3           to the Secretary for the permission to base  
 4           the obligation on other factors; and

5           “(ii) the Secretary grants the request.

6           “~~(4)~~ CONSULTATION IN URBANIZED AREAS.—

7           Before obligating funds for an activity under sub-  
 8           sections (c) or (d) in an urbanized area that is not  
 9           a transportation management area, a State shall  
 10          consult with any metropolitan planning organization  
 11          that represents the urbanized area prior to deter-  
 12          mining which activities should be carried out.

13          “~~(5)~~ CONSULTATION IN RURAL AREAS.—Before  
 14          obligating funds for an eligible activity under sub-  
 15          sections (c) and (d) in a rural area, a State shall  
 16          consult with any regional transportation planning  
 17          organization or metropolitan planning organization  
 18          that represents a rural area of the State prior to de-  
 19          termining which activities should be carried out.

20       **“§ 173. Fatality reduction performance program**

21          “(a) DEFINITIONS.—In this section:

22               “~~(1)~~ METROPOLITAN PLANNING ORGANIZATION;  
 23               URBANIZED AREA.—The terms ‘metropolitan plan-  
 24               ning organization’ and ‘urbanized area’ have the  
 25               meaning given those terms in section 134(b).

1           “(2) QUALIFYING STATE.—The term ‘qualifying  
2 State’ means a State in which—

3           “(A) the average fatality and serious in-  
4 jury rates per 100,000,000 vehicle-miles-trav-  
5 eled within the State during the 3-year period  
6 beginning on January 1 of the fiscal year that  
7 was 3 years prior to the fiscal year in which the  
8 Secretary is making the grant under this sec-  
9 tion has grown more slowly or declined, as com-  
10 pared to the average fatality and serious injury  
11 rates per 100,000,000 vehicle-miles-traveled  
12 within the State during the 3-year period begin-  
13 ning on January 1 of the fiscal year that was  
14 6 years prior to the fiscal year in which the  
15 Secretary is making the grant under this sec-  
16 tion;

17           “(B) the average annual number of serious  
18 injuries and fatalities within the State, as meas-  
19 ured on a per capita basis, during the 3-year  
20 period beginning on January 1 of the fiscal  
21 year that was 3 years prior to the fiscal year  
22 in which the Secretary is making the grant  
23 under this section has grown more slowly or de-  
24 clined, as compared to the average annual num-  
25 ber of serious injuries and fatalities within the

1 State, as measured on a per capita basis, dur-  
2 ing the 3-year period beginning on January 1  
3 of the fiscal year that was 6 years prior to the  
4 fiscal year in which the Secretary is making the  
5 grant under this section;

6 “(C) the average annual number of fatali-  
7 ties within the State, as measured on a per cap-  
8 ita basis, during the 3-year period beginning on  
9 January 1 of the fiscal year that was 3 years  
10 prior to the fiscal year in which the Secretary  
11 is making the grant under this section is less  
12 than  $\frac{1}{2}$  of the nationwide average annual per  
13 capita number of fatalities during that period;  
14 or

15 “(D)(i) the performance targets set by the  
16 State under subsection (d)(1) of section 150, in  
17 accordance with subsection (e)(4) of that sec-  
18 tion, in the most recently completed perform-  
19 ance cycle prior to the year in which the Sec-  
20 retary is making the funds available under this  
21 section demonstrate a reduction in the number  
22 and rate of serious injuries and fatalities; and

23 “(ii) the State has met or exceeded the  
24 performance targets described in clause (i).

1           “(3) QUALIFYING UNIT OF LOCAL GOVERN-  
2           MENT.—The term ‘qualifying unit of local govern-  
3           ment’ means a unit of local government in an urban-  
4           ized area served by a metropolitan planning organi-  
5           zation in which—

6                   “(A) the average fatality and serious in-  
7                   jury rates per 100,000,000 vehicle-miles trav-  
8                   eled within the urbanized area during the 3-  
9                   year period beginning on January 1 of the fis-  
10                  cal year that was 3 years prior to the fiscal  
11                  year in which the Secretary is making the grant  
12                  under this section has grown more slowly or de-  
13                  clined, as compared to the average fatality and  
14                  serious injury rates per 100,000,000 vehicle-  
15                  miles-traveled within the urbanized area during  
16                  the 3-year period beginning on January 1 of  
17                  the fiscal year that was 6 years prior to the fis-  
18                  cal year in which the Secretary is making the  
19                  grant under this section;

20                   “(B) the average annual number of serious  
21                   injuries and fatalities within the urbanized  
22                   area, as measured on a per capita basis, during  
23                   the 3-year period beginning on January 1 of  
24                   the fiscal year that was 3 years prior to the fis-  
25                   cal year in which the Secretary is making the

1 grant under this section has grown more slowly  
2 or declined, as compared to the average annual  
3 per capita number of serious injuries and fatali-  
4 ties within the urbanized area during the 3-year  
5 period beginning on January 1 of the fiscal  
6 year that was 6 years prior to the fiscal year  
7 in which the Secretary is making the grant  
8 under this section;

9 “(C) the average annual number of fatali-  
10 ties within the urbanized area, as measured on  
11 a per capita basis, during the 3-year period be-  
12 ginning on January 1 of the fiscal year that  
13 was 3 years prior to the fiscal year in which the  
14 Secretary is making the grant under this sec-  
15 tion is less than  $\frac{1}{2}$  of the nationwide average  
16 annual per capita number of fatalities during  
17 that period; or

18 “(D)(i) the performance targets set for the  
19 urbanized area under section 150(c)(4), in ac-  
20 cordance with section 134(h)(2)(B)(i), in the  
21 most recently completed performance cycle prior  
22 to the year in which the Secretary is making  
23 the grant under this section demonstrate a re-  
24 duction in the number and rate of serious inju-  
25 ries and fatalities; and

1           “(ii) the urbanized area has met or exceed-  
 2           ed the performance targets described in clause  
 3           (i).

4           “(4) SERIOUS INJURIES AND FATALITIES.—The  
 5           term ‘serious injuries and fatalities’ means serious  
 6           injuries and fatalities, as measured in accordance  
 7           with the measures established under section  
 8           150(e)(4).

9           “(b) FATALITY REDUCTION PERFORMANCE AND  
 10          PLANNING RECOGNITION AWARDS.—

11           “(1) IN GENERAL.—The Secretary shall estab-  
 12           lish a competitive grant program to award grants to  
 13           eligible entities in recognition of the achievement of  
 14           the eligible entity in meeting the performance cat-  
 15           egories described in paragraph (3)(A).

16           “(2) ELIGIBLE ENTITIES.—The Secretary shall  
 17           distribute amounts under paragraph (1) to any of  
 18           the following:

19           “(A) A qualifying State.

20           “(B) A qualifying unit of local government.

21           “(3) PERFORMANCE CATEGORIES.—

22           “(A) IN GENERAL.—The Secretary shall  
 23           select eligible entities to receive a grant under  
 24           paragraph (1) to recognize the achievement of

1 the eligible entity in meeting any of the fol-  
2 lowing performance categories:

3 “(i) Significant progress in reducing  
4 serious injuries and fatalities, as measured  
5 on a per capita basis.

6 “(ii) Significant progress in reducing  
7 the rates of serious injuries and fatalities  
8 per vehicle-mile traveled.

9 “(iii) Having a per capita number of  
10 serious injuries and fatalities that is  
11 among the lowest of jurisdictions with  
12 comparable population and surface trans-  
13 portation system characteristics.

14 “(iv) Having a per vehicle-mile trav-  
15 eled number of serious injuries and fatali-  
16 ties that is among the lowest of jurisdic-  
17 tions with comparable population and sur-  
18 face transportation system characteristics.

19 “(v) Innovative safety planning efforts  
20 and implementation of plans leading to  
21 achievement with respect to the reduction  
22 of serious injuries and fatalities.

23 “(B) MERIT BASED DISTRIBUTION.—In se-  
24 lecting among eligible entities to receive grants  
25 under paragraph (1) and the amounts of each

1 of those grants, the Secretary shall give priority  
2 to eligible entities that have achieved the most  
3 significant levels of reduction in serious injuries  
4 and fatalities, as measured either on a per cap-  
5 ita basis or per-vehicle mile traveled basis.

6 “(C) MULTIPLE AWARDS.—The Secretary  
7 may—

8 “(i) award a grant under paragraph  
9 (1) to multiple eligible entities for each  
10 performance category described in sub-  
11 paragraph (A); and

12 “(ii) recognize achievements in each  
13 performance category described in sub-  
14 paragraph (A)—

15 “(I) in urban and rural areas;

16 and

17 “(II) on the State and local level.

18 “(D) REPEAT AWARDS.—The Secretary  
19 may not award a grant under this subsection to  
20 the same eligible entity more than once during  
21 a 2-year period.

22 “(4) AWARD AMOUNT.—A grant under para-  
23 graph (1) shall be in an amount—

24 “(A) not less than \$5,000,000; and

25 “(B) not more than \$30,000,000.

1           “(5) ELIGIBLE USES.—An eligible entity may  
2 use a grant under paragraph (1) for—

3           “(A) an activity eligible under this title; or

4           “(B) a project—

5           “(i) to maintain the condition of a  
6 Federal-aid highway, including routine  
7 maintenance; or

8           “(ii) that—

9           “(I) responds to a specific condi-  
10 tion or event; and

11           “(II) restores a Federal-aid high-  
12 way to a functional state of oper-  
13 ations.

14           “(6) APPLICATIONS.—To be eligible to receive a  
15 grant under paragraph (1), an eligible entity shall  
16 submit to the Secretary an application at such time,  
17 in such manner, and containing such information as  
18 the Secretary may require.

19           “(7) FEDERAL SHARE.—The Federal share of  
20 the cost of a project carried out using a grant under  
21 paragraph (1) shall be, as determined at the discre-  
22 tion of the grant recipient, up to 100 percent.”.

23           “(2) CLERICAL AMENDMENT.—The analysis for  
24 chapter 1 of title 23, United States Code (as amend-

1 ed by section 1123(b)), is amended by inserting  
 2 after the item relating to section 171 the following:

“172. Formula safety incentive program:

“173. Fatality reduction performance program.”.

3 (b) ~~VULNERABLE ROAD USER RESEARCH PLAN.~~—

4 (1) ~~DEFINITIONS.~~—In this subsection:

5 (A) ~~ADMINISTRATOR.~~—The term “Admin-  
 6 istrator” means the Secretary of Transpor-  
 7 tation, acting through the Administrator of the  
 8 Federal Highway Administration.

9 (B) ~~VULNERABLE ROAD USER.~~—The term  
 10 “vulnerable road user” has the meaning given  
 11 the term in section 172(a) of title 23, United  
 12 States Code.

13 (2) ~~ESTABLISHMENT OF RESEARCH PLAN.~~—

14 The Administrator shall establish a research plan to  
 15 prioritize research on roadway designs, the develop-  
 16 ment of safety countermeasures to minimize fatali-  
 17 ties and serious injuries to vulnerable road users,  
 18 and the promotion of bicycling and walking, includ-  
 19 ing research relating to—

20 (A) roadway safety improvements, includ-  
 21 ing traffic calming techniques and vulnerable  
 22 road user accommodations appropriate in a sub-  
 23 urban arterial context;

1           (B) the impacts of traffic speeds, and ac-  
2           cess to low-traffic stress corridors, on safety  
3           and rates of bicycling and walking;

4           (C) tools to evaluate the impact of trans-  
5           portation improvements on projected rates and  
6           safety of bicycling and walking; and

7           (D) other research areas to be determined  
8           by the Administrator.

9           ~~(3) VULNERABLE ROAD USER ASSESSMENTS.—~~

10          The Administrator shall—

11           (A) review each vulnerable road user safety  
12           assessment submitted by a State under section  
13           172(e) of title 23, United States Code, and  
14           other relevant sources of data to determine  
15           what, if any, standard definitions and methods  
16           should be developed through guidance to enable  
17           a State to collect pedestrian injury and fatality  
18           data; and

19           (B) in the first progress update under  
20           paragraph (4)(B), provide—

21                   (i) the results of the determination de-  
22                   scribed in subparagraph (A); and

23                   (ii) the recommendations of the Sec-  
24                   retary with respect to the collection and re-

1           porting of data on the safety of vulnerable  
2           road users.

3           (4) SUBMISSION; PUBLICATION.—

4           (A) SUBMISSION OF PLAN.—Not later than  
5           180 days after the date of enactment of this  
6           Act, the Administrator shall submit to the Com-  
7           mittee on Environment and Public Works of the  
8           Senate and the Committee on Transportation  
9           and Infrastructure of the House of Representa-  
10          tives the research plan described in paragraph  
11          (2).

12          (B) PROGRESS UPDATES.—Not later than  
13          2 years after the date of enactment of this Act,  
14          and biannually thereafter, the Administrator  
15          shall submit to the Committees described in  
16          subparagraph (A)—

17               (i) updates on the progress and find-  
18               ings of the research conducted pursuant to  
19               the plan described in paragraph (2); and

20               (ii) in the first submission under this  
21               subparagraph, the results and rec-  
22               ommendations described in paragraph  
23               (3)(B).

1 **SEC. 1125. WILDLIFE CROSSING SAFETY.**

2 (a) DECLARATION OF POLICY.—Section  
3 101(b)(3)(D) of title 23, United States Code, is amended,  
4 in the matter preceding clause (i), by inserting “resilient,”  
5 after “efficient,”.

6 (b) WILDLIFE CROSSINGS PILOT PROGRAM.—

7 (1) IN GENERAL.—Chapter 1 of title 23, United  
8 States Code (as amended by section 1124(a)(1)), is  
9 amended by adding at the end the following:

10 **“§ 174. Wildlife crossings pilot program**

11 “(a) FINDING.—Congress finds that greater adoption  
12 of wildlife-vehicle collision safety countermeasures is in the  
13 public interest because—

14 “(1) according to the report of the Federal  
15 Highway Administration entitled ‘Wildlife-Vehicle  
16 Collision Reduction Study’, there are more than  
17 1,000,000 wildlife-vehicle collisions every year;

18 “(2) wildlife-vehicle collisions—

19 “(A) present a danger to—

20 “(i) human safety; and

21 “(ii) wildlife survival; and

22 “(B) represent a persistent concern that  
23 results in tens of thousands of serious injuries  
24 and hundreds of fatalities on the roadways of  
25 the United States; and

1           “(3) the total annual cost associated with wild-  
 2           life-vehicle collisions has been estimated to be  
 3           \$8,388,000,000; and

4           “(4) wildlife-vehicle collisions are a major  
 5           threat to the survival of species, including birds, rep-  
 6           tiles, mammals, and amphibians.

7           “(b) ESTABLISHMENT.—The Secretary shall estab-  
 8           lish a competitive wildlife crossings pilot program (re-  
 9           ferred to in this section as the ‘pilot program’) to provide  
 10          grants for projects that seek to achieve—

11           “(1) a reduction in the number of wildlife-vehi-  
 12          cle collisions; and

13           “(2) in carrying out the purpose described in  
 14          paragraph (1), improved habitat connectivity for ter-  
 15          restrial and aquatic species.

16          “(c) ELIGIBLE ENTITIES.—An entity eligible to apply  
 17          for a grant under the pilot program is—

18           “(1) a State highway agency, or an equivalent  
 19          of that agency;

20           “(2) a metropolitan planning organization (as  
 21          defined in section 134(b));

22           “(3) a unit of local government;

23           “(4) a regional transportation authority;

1           “(5) a special purpose district or public author-  
2           ity with a transportation function, including a port  
3           authority;

4           “(6) an Indian tribe (as defined in section  
5           207(m)(1)), including a Native village and a Native  
6           Corporation (as those terms are defined in section 3  
7           of the Alaska Native Claims Settlement Act (43  
8           U.S.C. 1602));

9           “(7) a Federal land management agency; or

10          “(8) a group of any of the entities described in  
11          paragraphs (1) through (7).

12          “(d) APPLICATIONS.—

13           “(1) IN GENERAL.—To be eligible to receive a  
14           grant under the pilot program, an eligible entity  
15           shall submit to the Secretary an application at such  
16           time, in such manner, and containing such informa-  
17           tion as the Secretary may require.

18           “(2) REQUIREMENT.—If an application under  
19           paragraph (1) is submitted by an eligible entity  
20           other than an eligible entity described in paragraph  
21           (1) or (7) of subsection (c), the application shall in-  
22           clude documentation that the State highway agency,  
23           or an equivalent of that agency, of the State in  
24           which the eligible entity is located was consulted  
25           during the development of the application.

1           “(3) GUIDANCE.—To enhance consideration of  
2           current and reliable data, eligible entities may obtain  
3           guidance from an agency in the State with jurisdic-  
4           tion over fish and wildlife.

5           “(e) CONSIDERATIONS.—In selecting grant recipients  
6           under the pilot program, the Secretary shall take into con-  
7           sideration the following:

8           “(1) Primarily, the extent to which the pro-  
9           posed project of an eligible entity is likely to protect  
10          motorists and wildlife by reducing the number of  
11          wildlife-vehicle collisions and improve habitat  
12          connectivity for terrestrial and aquatic species.

13          “(2) Secondly, the extent to which the pro-  
14          posed project of an eligible entity is likely to accom-  
15          plish the following:

16               “(A) Leveraging Federal investment by en-  
17               couraging non-Federal contributions to the  
18               project, including projects from public-private  
19               partnerships.

20               “(B) Supporting local economic develop-  
21               ment and improvement of visitation opportuni-  
22               ties.

23               “(C) Incorporation of innovative tech-  
24               nologies, including advanced design techniques  
25               and other strategies to enhance efficiency and

1 effectiveness in reducing wildlife-vehicle colli-  
 2 sions and improving habitat connectivity for  
 3 terrestrial and aquatic species.

4 “(D) Provision of educational and outreach  
 5 opportunities.

6 “(E) Monitoring and research to evaluate,  
 7 compare effectiveness of, and identify best prac-  
 8 tices in, selected projects.

9 “(F) Any other criteria relevant to reduc-  
 10 ing the number of wildlife-vehicle collisions and  
 11 improving habitat connectivity for terrestrial  
 12 and aquatic species, as the Secretary deter-  
 13 mines to be appropriate, subject to the condi-  
 14 tion that the implementation of the pilot pro-  
 15 gram shall not be delayed in the absence of ac-  
 16 tion by the Secretary to identify additional cri-  
 17 teria under this subparagraph.

18 “(f) USE OF FUNDS.—

19 “(1) IN GENERAL.—The Secretary shall ensure  
 20 that a grant received under the pilot program is  
 21 used for a project to reduce wildlife-vehicle collisions.

22 “(2) GRANT ADMINISTRATION.—

23 “(A) IN GENERAL.—A grant received  
 24 under the pilot program shall be administered  
 25 by—

1           “(i) in the case of a grant to a Fed-  
 2           eral land management agency or an Indian  
 3           tribe (as defined in section 207(m)(1)), in-  
 4           cluding a Native village and a Native Cor-  
 5           poration (as those terms are defined in  
 6           section 3 of the Alaska Native Claims Set-  
 7           tlement Act (43 U.S.C. 1602)), the Fed-  
 8           eral Highway Administration, through an  
 9           agreement; and

10           “(ii) in the case of a grant to an eligi-  
 11           ble entity other than an eligible entity de-  
 12           scribed in clause (i), the State highway  
 13           agency, or an equivalent of that agency,  
 14           for the State in which the project is to be  
 15           carried out.

16           “(B) PARTNERSHIPS.—

17           “(i) IN GENERAL.—A grant received  
 18           under the pilot program may be used to  
 19           provide funds to eligible partners of the  
 20           project for which the grant was received  
 21           described in clause (ii), in accordance with  
 22           the terms of the project agreement.

23           “(ii) ELIGIBLE PARTNERS DE-  
 24           SCRIBED.—The eligible partners referred  
 25           to in clause (i) include—

1           “(I) a metropolitan planning or-  
2           ganization (as defined in section  
3           134(b));

4           “(II) a unit of local government;

5           “(III) a regional transportation  
6           authority;

7           “(IV) a special purpose district  
8           or public authority with a transpor-  
9           tation function, including a port au-  
10          thority;

11          “(V) an Indian tribe (as defined  
12          in section 207(m)(1)), including a Na-  
13          tive village and a Native Corporation  
14          (as those terms are defined in section  
15          3 of the Alaska Native Claims Settle-  
16          ment Act (43 U.S.C. 1602));

17          “(VI) a Federal land manage-  
18          ment agency;

19          “(VII) a foundation, nongovern-  
20          mental organization, or institution of  
21          higher education;

22          “(VIII) a Federal, Tribal, re-  
23          gional, or State government entity;  
24          and

1                   “~~(IX)~~ a group of any of the enti-  
2                   ties described in subclauses ~~(I)~~  
3                   through ~~(VIII)~~).

4                   “~~(3)~~ COMPLIANCE.—An eligible entity that re-  
5                   ceives a grant under the pilot program and enters  
6                   into a partnership described in paragraph ~~(2)~~ shall  
7                   establish measures to verify that an eligible partner  
8                   that receives funds from the grant complies with the  
9                   conditions of the pilot program in using those funds.

10                  “~~(g)~~ REQUIREMENT.—The Secretary shall ensure  
11                  that not less than 60 percent of the amounts made avail-  
12                  able for grants under the pilot program each fiscal year  
13                  are for projects located in rural areas.

14                  “~~(h)~~ ANNUAL REPORT TO CONGRESS.—

15                  “~~(1)~~ IN GENERAL.—Not later than December  
16                  31 of each calendar year, the Secretary shall submit  
17                  to Congress, and make publicly available, a report  
18                  describing the activities under the pilot program for  
19                  the fiscal year that ends during that calendar year.

20                  “~~(2)~~ CONTENTS.—The report under paragraph  
21                  ~~(1)~~ shall include—

22                         “~~(A)~~ a detailed description of the activities  
23                         carried out under the pilot program;



1           “(A) AREAS OF STUDY.—The study  
2 shall—

3           “(i) update and expand on, as appropriate—  
4

5           “(I) the report entitled ‘Wildlife  
6 Vehicle Collision Reduction Study:  
7 2008 Report to Congress’; and

8           “(II) the document entitled  
9 ‘Wildlife Vehicle Collision Reduction  
10 Study: Best Practices Manual’ and  
11 dated October 2008; and

12          “(ii) include—

13          “(I) an assessment, as of the  
14 date of the study, of—

15           “(aa) the causes of wildlife-  
16 vehicle collisions;

17           “(bb) the impact of wildlife-  
18 vehicle collisions on motorists  
19 and wildlife; and

20           “(cc) the impacts of roads  
21 and traffic on habitat  
22 connectivity for terrestrial and  
23 aquatic species; and

24          “(II) solutions and best practices  
25 for—

1                   “(aa) reducing wildlife-vehicle  
2 collisions; and

3                   “(bb) improving habitat  
4 connectivity for terrestrial and  
5 aquatic species.

6                   “(B) METHODS.—In carrying out the  
7 study, the Secretary shall—

8                   “(i) conduct a thorough review of re-  
9 search and data relating to—

10                   “(I) wildlife-vehicle collisions; and

11                   “(II) habitat fragmentation that  
12 results from transportation infrastruc-  
13 ture;

14                   “(ii) survey current practices of the  
15 Department of Transportation and State  
16 departments of transportation to reduce  
17 wildlife-vehicle collisions; and

18                   “(iii) consult with—

19                   “(I) appropriate experts in the  
20 field of wildlife-vehicle collisions; and

21                   “(II) appropriate experts on the  
22 effects of roads and traffic on habitat  
23 connectivity for terrestrial and aquatic  
24 species.

25                   “(3) REPORT.—

1           “(A) IN GENERAL.—Not later than 18  
2 months after the date of enactment of the  
3 America’s Transportation Infrastructure Act of  
4 2019, the Secretary shall submit to Congress a  
5 report on the results of the study.

6           “(B) CONTENTS.—The report under sub-  
7 paragraph (A) shall include—

8                   “(i) a description of—

9                           “(I) the causes of wildlife-vehicle  
10 collisions;

11                           “(II) the impacts of wildlife-vehi-  
12 cle collisions;

13                           “(III) the impacts of roads and  
14 traffic on—

15                                   “(aa) species listed as  
16 threatened species or endangered  
17 species under the Endangered  
18 Species Act of 1973 (16 U.S.C.  
19 1531 et seq.);

20                                   “(bb) species identified by  
21 States as species of greatest con-  
22 servation need;

23                                   “(cc) species identified in  
24 State wildlife plans; and

1                   “(dd) medium and small ter-  
2                   restrial and aquatic species;

3                   “(ii) an economic evaluation of the  
4                   costs and benefits of installing highway in-  
5                   frastructure and other measures to miti-  
6                   gate damage to terrestrial and aquatic spe-  
7                   cies, including the effect on jobs, property  
8                   values, and economic growth to society, ad-  
9                   jacent communities, and landowners;

10                  “(iii) recommendations for preventing  
11                  wildlife-vehicle collisions, including rec-  
12                  ommended best practices, funding re-  
13                  sources, or other recommendations for ad-  
14                  dressing wildlife-vehicle collisions; and

15                  “(iv) guidance, developed in consulta-  
16                  tion with Federal land management agen-  
17                  cies and State departments of transpor-  
18                  tation, State fish and wildlife agencies, and  
19                  Tribal governments that agree to partici-  
20                  pate, for developing, for each State that  
21                  agrees to participate, a voluntary joint  
22                  statewide transportation and wildlife action  
23                  plan—

24                         “(I) to address wildlife-vehicle  
25                         collisions; and

1                   “(H) to improve habitat  
2                   connectivity for terrestrial and aquatic  
3                   species.

4           “(b) WORKFORCE DEVELOPMENT AND TECHNICAL  
5 TRAINING.—

6                   “(1) IN GENERAL.—Not later than 3 years  
7                   after the date of enactment of the America’s Trans-  
8                   portation Infrastructure Act of 2019, the Secretary  
9                   shall, based on the study conducted under subsection  
10                  (a), develop a series of in-person and online work-  
11                  force development and technical training courses—

12                           “(A) to reduce wildlife-vehicle collisions;  
13                   and

14                           “(B) to improve habitat connectivity for  
15                   terrestrial and aquatic species.

16                  “(2) AVAILABILITY.—The Secretary shall—

17                           “(A) make the series of courses developed  
18                   under paragraph (1) available for transpor-  
19                   tation and fish and wildlife professionals; and

20                           “(B) update the series of courses not less  
21                   frequently than once every 2 years.

22           “(c) STANDARDIZATION OF WILDLIFE COLLISION  
23 AND CARCASS DATA.—

24                   “(1) STANDARDIZED METHODOLOGY.—

1           “(A) IN GENERAL.—The Secretary, acting  
2 through the Administrator of the Federal High-  
3 way Administration (referred to in this sub-  
4 section as the ‘Secretary’), shall develop a qual-  
5 ity standardized methodology for collecting and  
6 reporting spatially accurate wildlife collision  
7 and carcass data for the National Highway Sys-  
8 tem, considering the practicability of the meth-  
9 odology with respect to technology and cost.

10           “(B) METHODOLOGY.—In developing the  
11 standardized methodology under subparagraph  
12 (A), the Secretary shall—

13           “(i) survey existing methodologies and  
14 sources of data collection, including the  
15 Fatality Analysis Reporting System, the  
16 General Estimates System of the National  
17 Automotive Sampling System, and the  
18 Highway Safety Information System; and

19           “(ii) to the extent practicable, identify  
20 and correct limitations of those existing  
21 methodologies and sources of data collec-  
22 tion.

23           “(C) CONSULTATION.—In developing the  
24 standardized methodology under subparagraph  
25 (A), the Secretary shall consult with—

1                   “(i) the Secretary of the Interior;

2                   “(ii) the Secretary of Agriculture, act-  
3                   ing through the Chief of the Forest Serv-  
4                   ice;

5                   “(iii) Tribal, State, and local trans-  
6                   portation and wildlife authorities;

7                   “(iv) metropolitan planning organiza-  
8                   tions (as defined in section 134(b));

9                   “(v) members of the American Asso-  
10                  ciation of State Highway Transportation  
11                  Officials;

12                  “(vi) members of the Association of  
13                  Fish and Wildlife Agencies;

14                  “(vii) experts in the field of wildlife-  
15                  vehicle collisions;

16                  “(viii) nongovernmental organizations;  
17                  and

18                  “(ix) other interested stakeholders, as  
19                  appropriate.

20                  “(2) STANDARDIZED NATIONAL DATA SYSTEM  
21                  WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—

22                  The Secretary shall—

23                         “(A) develop a template for State imple-  
24                         mentation of a standardized national wildlife  
25                         collision and carcass data system for the Na-

1 tional Highway System that is based on the  
2 standardized methodology developed under  
3 paragraph (1); and

4 “(B) encourage the voluntary implementa-  
5 tion of the template developed under subpara-  
6 graph (A).

7 “(3) REPORTS.—

8 “(A) METHODOLOGY.—The Secretary shall  
9 submit to Congress a report describing the  
10 standardized methodology developed under  
11 paragraph (1) not later than the later of—

12 “(i) the date that is 18 months after  
13 the date of enactment of the America’s  
14 Transportation Infrastructure Act of 2019;  
15 and

16 “(ii) the date that is 180 days after  
17 the date on which the Secretary completes  
18 the development of the standardized meth-  
19 odology.

20 “(B) IMPLEMENTATION.—Not later than 4  
21 years after the date of enactment of the Amer-  
22 ica’s Transportation Infrastructure Act of  
23 2019, the Secretary shall submit to Congress a  
24 report describing—

1           “(i) the status of the voluntary imple-  
2           mentation of the standardized methodology  
3           developed under paragraph (1) and the  
4           template developed under paragraph  
5           (2)(A);

6           “(ii) whether the implementation of  
7           the standardized methodology developed  
8           under paragraph (1) and the template de-  
9           veloped under paragraph (2)(A) has im-  
10          pacted efforts by States, units of local gov-  
11          ernment, and other entities—

12                   “(I) to reduce the number of  
13                   wildlife-vehicle collisions; and

14                   “(II) to improve habitat  
15                   connectivity;

16          “(iii) the degree of the impact de-  
17          scribed in clause (ii); and

18          “(iv) the recommendations of the Sec-  
19          retary, including recommendations for fur-  
20          ther study aimed at reducing motorist col-  
21          lisions involving wildlife and improving  
22          habitat connectivity for terrestrial and  
23          aquatic species on the National Highway  
24          System, if any.

1       “(d) NATIONAL THRESHOLD GUIDANCE.—The Sec-  
2 retary shall—

3           “(1) establish guidance, to be carried out by  
4 States on a voluntary basis, that contains a thresh-  
5 old for determining whether a highway shall be eval-  
6 uated for potential mitigation measures to reduce  
7 wildlife-vehicle collisions and increase habitat  
8 connectivity for terrestrial and aquatic species, tak-  
9 ing into consideration—

10           “(A) the number of wildlife-vehicle colli-  
11 sions on the highway that pose a human safety  
12 risk;

13           “(B) highway-related mortality and the ef-  
14 fects of traffic on the highway on—

15           “(i) species listed as endangered spe-  
16 cies or threatened species under the En-  
17 dangered Species Act of 1973 (16 U.S.C.  
18 1531 et seq.);

19           “(ii) species identified by a State as  
20 species of greatest conservation need;

21           “(iii) species identified in State wild-  
22 life plans; and

23           “(iv) medium and small terrestrial  
24 and aquatic species; and

1           “(C) habitat connectivity values for terres-  
2           trial and aquatic species and the barrier effect  
3           of the highway on the movements and migra-  
4           tions of those species.”.

5           (2) CLERICAL AMENDMENT.—The analysis for  
6           chapter 1 of title 23, United States Code (as amend-  
7           ed by subsection (b)(2)) is amended by inserting  
8           after the item relating to section 174 the following:

“175. Wildlife-vehicle collision reduction and habitat connectivity improvement.”.

9           (d) WILDLIFE CROSSINGS STANDARDS.—Section  
10 109(c)(2) of title 23, United States Code, is amended—

11           (1) in subparagraph (E), by striking “and” at  
12           the end;

13           (2) by redesignating subparagraph (F) as sub-  
14           paragraph (G); and

15           (3) by inserting after subparagraph (E) the fol-  
16           lowing:

17           “(F) the publication of the Federal High-  
18           way Administration entitled ‘Wildlife Crossing  
19           Structure Handbook: Design and Evaluation in  
20           North America’ and dated March 2011; and”.

21           (e) WILDLIFE HABITAT CONNECTIVITY AND NA-  
22           TIONAL BRIDGE AND TUNNEL INVENTORY AND INSPEC-  
23           TION STANDARDS.—Section 144 of title 23, United States  
24           Code, is amended—

25           (1) in subsection (a)(2)—

1           (A) in subparagraph (B), by inserting “,  
2           resilience,” after “safety”;

3           (B) in subparagraph (D), by striking  
4           “and” at the end;

5           (C) in subparagraph (E), by striking the  
6           period at the end and inserting “; and”;

7           (D) by adding at the end the following:

8           “(F) to ensure adequate passage of aquatic  
9           and terrestrial species, where appropriate.”;

10          (2) in subsection (b)—

11           (A) in paragraph (4), by striking “and” at  
12           the end;

13           (B) in paragraph (5), by striking the pe-  
14           riod at the end and inserting “; and”;

15           (C) by adding at the end the following:

16           “(6) determine if the replacement or rehabilita-  
17           tion of bridges and tunnels should include measures  
18           to enable safe and unimpeded movement for terres-  
19           trial and aquatic species.”; and

20          (3) in subsection (i), by adding at the end the  
21          following:

22           “(3) REQUIREMENT.—The first revision under  
23           paragraph (2) after the date of enactment of the  
24           America’s Transportation Infrastructure Act of  
25           2019 shall include techniques to assess passage of

1       aquatic and terrestrial species and habitat restora-  
2       tion potential.”.

3       **SEC. 1126. CONSOLIDATION OF PROGRAMS.**

4       Section 1519(a) of MAP-21 (Public Law 112-141;  
5       126 Stat. 574; 129 Stat. 1423) is amended, in the matter  
6       preceding paragraph (1), by striking “fiscal years 2016  
7       through 2020” and inserting “fiscal years 2021 through  
8       2025”.

9       **SEC. 1127. STATE FREIGHT ADVISORY COMMITTEES.**

10       Section 70201 of title 49, United States Code, is  
11       amended—

12               (1) in subsection (a), by striking “representa-  
13       tives of ports, freight railroads,” and all that follows  
14       through the period at the end and inserting the fol-  
15       lowing: “representatives of—

16               “~~(1)~~ ports;

17               “~~(2)~~ freight railroads;

18               “~~(3)~~ shippers;

19               “~~(4)~~ carriers;

20               “~~(5)~~ freight-related associations;

21               “~~(6)~~ third-party logistics providers;

22               “~~(7)~~ the freight industry workforce;

23               “~~(8)~~ the transportation department of the  
24       State;

25               “~~(9)~~ metropolitan planning organizations;

1           ~~“(10) local governments;~~

2           ~~“(11) the environmental protection department~~  
3 ~~of the State, if applicable;~~

4           ~~“(12) the air resources board of the State, if~~  
5 ~~applicable; and~~

6           ~~“(13) economic development agencies of the~~  
7 ~~State.”;~~

8           (2) in subsection (b)(5), by striking ~~“70202.”~~  
9 and inserting ~~“70202, including by providing advice~~  
10 ~~regarding the development of the freight investment~~  
11 ~~plan; and”;~~

12           (3) by redesignating subsection (b) as sub-  
13 section (c); and

14           (4) by inserting after subsection (a) the fol-  
15 lowing:

16           ~~“(b) QUALIFICATIONS.—Each member of a freight~~  
17 ~~advisory committee established under subsection (a) shall~~  
18 ~~have qualifications sufficient to serve on a freight advisory~~  
19 ~~committee, including, as applicable—~~

20           ~~“(1) general business and financial experience;~~

21           ~~“(2) experience or qualifications in the areas of~~  
22 ~~freight transportation and logistics;~~

23           ~~“(3) experience in transportation planning;~~

24           ~~“(4) experience representing employees of the~~  
25 ~~freight industry; or~~

1           “(5) experience representing a State, local gov-  
2           ernment, or metropolitan planning organization.”.

3 **SEC. 1128. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**  
4 **GRAM.**

5           Section 165 of title 23, United States Code, is  
6 amended—

7           (1) in subsection (a), by striking paragraphs  
8           (1) and (2) and inserting the following:

9           “(1) for the Puerto Rico highway program  
10          under subsection (b)—

11                   “(A) \$161,500,000 shall be for fiscal year  
12                   2021;

13                   “(B) \$165,000,000 shall be for fiscal year  
14                   2022;

15                   “(C) \$168,000,000 shall be for fiscal year  
16                   2023;

17                   “(D) \$171,000,000 shall be for fiscal year  
18                   2024; and

19                   “(E) \$175,500,000 shall be for fiscal year  
20                   2025; and

21          “(2) for the territorial highway program under  
22          subsection (c)—

23                   “(A) \$43,000,000 shall be for fiscal year  
24                   2021;

1           “(B) \$43,000,000 shall be for fiscal year  
2           2022;

3           “(C) \$44,000,000 shall be for fiscal year  
4           2023;

5           “(D) \$45,000,000 shall be for fiscal year  
6           2024; and

7           “(E) \$46,000,000 shall be for fiscal year  
8           2025.”; and

9           (2) in subsection (e)(7), by striking “para-  
10          graphs (1) through (4) of section 133(c) and section  
11          133(b)(12)” and inserting “paragraphs (1), (2), (3),  
12          and (5) of section 133(c) and section 133(b)(13)”.

## 13                   **Subtitle B—Planning and** 14                   **Performance Management**

### 15   **SEC. 1201. TRANSPORTATION PLANNING.**

16           (a) METROPOLITAN TRANSPORTATION PLANNING.—

17   Section 134 of title 23, United States Code, is amended—

18           (1) in subsection (d)—

19                   (A) in paragraph (3), by adding at the end  
20                   the following:

21                           “(D) CONSIDERATIONS.—In designating  
22                           officials or representatives under paragraph (2)  
23                           for the first time, subject to the bylaws or ena-  
24                           bling statute of the metropolitan planning orga-  
25                           nization, the metropolitan planning organization

1 shall consider the equitable and proportional  
 2 representation of the population of the metro-  
 3 politan planning area.”; and

4 (B) in paragraph (7)—

5 (i) by striking “an existing metropoli-  
 6 tan planning area” and inserting “an ur-  
 7 banized area (as defined by the Bureau of  
 8 the Census)”;

9 (ii) by striking “the existing metro-  
 10 politan planning area” and inserting “the  
 11 area”;

12 (2) in subsection (g)—

13 (A) in paragraph (1), by striking “a met-  
 14ropolitan area” and inserting “an urbanized  
 15 area (as defined by the Bureau of the Census)”;  
 16 and

17 (B) by adding at the end the following:

18 “(4) COORDINATION BETWEEN MPOS.—If  
 19 more than 1 metropolitan planning organization is  
 20 designated within an urbanized area (as defined by  
 21 the Bureau of the Census) under subsection  
 22 (d)(7)(A), the metropolitan planning organizations  
 23 designated within the area shall ensure, to the max-  
 24 imum extent practicable, the consistency of any data

1 used in the planning process, including information  
 2 used in forecasting travel demand.

3 “(5) SAVINGS CLAUSE.—Nothing in this sub-  
 4 section requires metropolitan planning organizations  
 5 designated within a single urbanized area to jointly  
 6 develop planning documents, including a unified  
 7 long-range transportation plan or unified TIP.”; and  
 8 (3) in subsection (i)(6), by adding at the end  
 9 the following:

10 “(D) USE OF TECHNOLOGY.—A State may  
 11 use social media and other web-based tools—

12 “(i) to further encourage public par-  
 13 ticipation; and

14 “(ii) to solicit public feedback during  
 15 the transportation planning process.”.

16 (b) STATEWIDE AND NONMETROPOLITAN TRANSPOR-  
 17 TATION PLANNING.—Section 135(f)(3) of title 23, United  
 18 States Code, is amended by adding at the end the fol-  
 19 lowing:

20 “(C) USE OF TECHNOLOGY.—A State may  
 21 use social media and other web-based tools—

22 “(i) to further encourage public par-  
 23 ticipation; and

24 “(ii) to solicit public feedback during  
 25 the transportation planning process.”.

1 **SEC. 1202. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**  
 2 **PORTATION PLANS.**

3 Not later than 1 year after the date of enactment  
 4 of this Act, the Secretary shall amend section  
 5 450.324(f)(11)(v) of title 23, Code of Federal Regulations,  
 6 to ensure that the outer years of a metropolitan transpor-  
 7 tation plan are defined as “beyond the first 4 years”.

8 **SEC. 1203. STATE HUMAN CAPITAL PLANS.**

9 (a) **IN GENERAL.**—Chapter 1 of title 23, United  
 10 States Code (as amended by section 1125(e)(1)), is  
 11 amended by adding at the end the following:

12 **“§ 176. State human capital plans**

13 “(a) **IN GENERAL.**—Not later than 18 months after  
 14 the date of enactment of this section, the Secretary shall  
 15 encourage each State to develop a voluntary plan, to be  
 16 known as a ‘human capital plan’, that provides for the  
 17 immediate and long-term personnel and workforce needs  
 18 of the State with respect to the capacity of the State to  
 19 deliver transportation and public infrastructure eligible  
 20 under this title.

21 “(b) **PLAN CONTENTS.**—

22 “(1) **IN GENERAL.**—A human capital plan de-  
 23 veloped by a State under subsection (a) shall, to the  
 24 maximum extent practicable, take into consider-  
 25 ation—

1           “(A) significant transportation workforce  
2 trends, needs, issues, and challenges with re-  
3 spect to the State;

4           “(B) the human capital policies, strategies,  
5 and performance measures that will guide the  
6 transportation-related workforce investment de-  
7 cisions of the State;

8           “(C) coordination with educational institu-  
9 tions, industry, organized labor, workforce  
10 boards, and other agencies or organizations to  
11 address the human capital transportation needs  
12 of the State;

13           “(D) a workforce planning strategy that  
14 identifies current and future human capital  
15 needs, including the knowledge, skills, and abili-  
16 ties needed to recruit and retain skilled workers  
17 in the transportation industry;

18           “(E) a human capital management strat-  
19 egy that is aligned with the transportation mis-  
20 sion, goals, and organizational objectives of the  
21 State;

22           “(F) an implementation system for work-  
23 force goals focused on addressing continuity of  
24 leadership and knowledge sharing across the  
25 State;

1           “(G) an implementation system that ad-  
2           dresses workforce competency gaps, particularly  
3           in mission-critical occupations;

4           “(H) in the case of public-private partner-  
5           ships or other alternative project delivery meth-  
6           ods to carry out the transportation program of  
7           the State, a description of workforce needs—

8                   “(i) to ensure that the transportation  
9                   mission, goals, and organizational objec-  
10                  tives of the State are fully carried out; and

11                   “(ii) to ensure that procurement  
12                  methods provide the best public value;

13           “(I) a system for analyzing and evaluating  
14           the performance of the State department of  
15           transportation with respect to all aspects of  
16           human capital management policies, programs,  
17           and activities; and

18           “(J) the manner in which the plan will im-  
19           prove the ability of the State to meet the na-  
20           tional policy in support of performance manage-  
21           ment established under section 150.

22           “(2) PLANNING PERIOD.—If a State develops a  
23           human capital plan under subsection (a), the plan  
24           shall address a 5-year forecast period.

1       “(c) PLAN UPDATES.—If a State develops a human  
2 capital plan under subsection (a), the State shall update  
3 the plan not less frequently than once every 5 years.

4       “(d) RELATIONSHIP TO LONG-RANGE PLAN.—

5           “(1) IN GENERAL.—Subject to paragraph (2), a  
6 human capital plan developed by a State under sub-  
7 section (a) may be developed separately from, or in-  
8 corporated into, the long-range statewide transpor-  
9 tation plan required under section 135.

10           “(2) EFFECT OF SECTION.—Nothing in this  
11 section requires a State, or authorizes the Secretary  
12 to require a State, to incorporate a human capital  
13 plan into the long-range statewide transportation  
14 plan required under section 135.

15       “(e) PUBLIC AVAILABILITY.—Each State that devel-  
16 ops a human capital plan under subsection (a) shall make  
17 a copy of the plan available to the public in a user-friendly  
18 format on the website of the State department of transpor-  
19 tation.

20       “(f) SAVINGS PROVISION.—Nothing in this section  
21 prevents a State from carrying out transportation work-  
22 force planning—

23           “(1) not described in this section; or

24           “(2) not in accordance with this section.”.

1           (b) CLERICAL AMENDMENT.—The analysis for chap-  
 2 ter 1 of title 23, United States Code (as amended by sec-  
 3 tion 1125(c)(2)), is amended by inserting after the item  
 4 relating to section 175 the following:

“176. State human capital plans.”.

5 **SEC. 1204. ACCESSIBILITY DATA PILOT PROGRAM.**

6           (a) IN GENERAL.—Not later than 1 year after the  
 7 date of enactment of this Act, the Secretary shall establish  
 8 an accessibility data pilot program (referred to in this sec-  
 9 tion as the “pilot program”).

10          (b) PURPOSE.—The purpose of the pilot program is  
 11 to develop or procure an accessibility data set and make  
 12 that data set available to each eligible entity selected to  
 13 participate in the pilot program to improve the transpor-  
 14 tation planning of those eligible entities by—

15               (1) measuring the level of access by multiple  
 16 transportation modes to important destinations;  
 17 which may include—

18                       (A) jobs, including areas with a concentra-  
 19 tion of available jobs;

20                       (B) health care facilities;

21                       (C) child care services;

22                       (D) educational and workforce training fa-  
 23 cilities;

24                       (E) affordable housing;

25                       (F) food sources; and

1           (G) connections between modes, including  
2           connections to—

3                   (i) high-quality transit or rail service;

4                   (ii) safe bicycling corridors; and

5                   (iii) safe sidewalks that achieve com-

6                   pliance with applicable requirements of the

7                   Americans with Disabilities Act of 1990

8                   (42 U.S.C. 12101 et seq.);

9           (2) disaggregating the level of access by mul-  
10           tiple transportation modes by a variety of population  
11           categories, which may include—

12                   (A) low-income populations;

13                   (B) minority populations;

14                   (C) age;

15                   (D) disability; and

16                   (E) geographical location; and

17           (3) assessing the change in accessibility that

18           would result from new transportation investments.

19           (e) ELIGIBLE ENTITIES.—An entity eligible to par-  
20           ticipate in the pilot program is—

21                   (1) a State (as defined in section 101(a) of title  
22                   23, United States Code);

23                   (2) a metropolitan planning organization; or

24                   (3) a rural transportation planning organiza-  
25           tion.

1 (d) APPLICATION.—To be eligible to participate in  
2 the pilot program, an eligible entity shall submit to the  
3 Secretary an application at such time, in such manner,  
4 and containing such information as the Secretary may re-  
5 quire, including information relating to—

6 (1) previous experience of the eligible entity  
7 measuring transportation access or other perform-  
8 ance management experience;

9 (2) the types of important destinations to which  
10 the eligible entity intends to measure access;

11 (3) the types of data disaggregation the eligible  
12 entity intends to pursue;

13 (4) a general description of the methodology the  
14 eligible entity intends to apply; and

15 (5) if the applicant does not intend the pilot  
16 program to apply to the full area under the jurisdic-  
17 tion of the applicant, a description of the geographic  
18 area in which the applicant intends the pilot pro-  
19 gram to apply.

20 (e) SELECTION.—

21 (1) IN GENERAL.—The Secretary shall seek to  
22 achieve diversity of participants in the pilot program  
23 by selecting a range of eligible entities that shall in-  
24 elude—

25 (A) States;

1           (B) metropolitan planning organizations  
2           that serve an area with a population of 200,000  
3           people or fewer;

4           (C) metropolitan planning organizations  
5           that serve an area with a population of over  
6           200,000 people; and

7           (D) rural transportation planning organi-  
8           zations.

9           (2) INCLUSIONS.—The Secretary shall seek to  
10          ensure that, among the eligible entities selected  
11          under paragraph (1), there is—

12           (A) a range of capacity and previous expe-  
13           rience with measuring transportation access;  
14           and

15           (B) a variety of proposed methodologies  
16           and focus areas for measuring level of access.

17          (f) DUTIES.—For each eligible entity participating in  
18          the pilot program, the Secretary shall—

19           (1) develop or acquire an accessibility data set  
20           described in subsection (b); and

21           (2) submit the data set to the eligible entity.

22          (g) METHODOLOGY.—In calculating the measures for  
23          the data set under the pilot program, the Secretary shall  
24          ensure that methodology is open source.

1       (h) AVAILABILITY.—The Secretary shall make an ac-  
2       cessibility data set under the pilot program available to—

3               (1) units of local government within the juris-  
4       diction of the eligible entity participating in the pilot  
5       program; and

6               (2) researchers.

7       (i) REPORT.—Not later than 120 days after the last  
8       date on which the Secretary submits data sets to the eligi-  
9       ble entity under subsection (f), the Secretary shall submit  
10      to Congress a report on the results of the program, includ-  
11      ing the feasibility of developing and providing periodic ac-  
12      cessibility data sets for all States, regions, and localities.

13      (j) FUNDING.—The Secretary shall carry out the  
14      pilot program using amounts made available to the Sec-  
15      retary for administrative expenses to carry out programs  
16      under the authority of the Secretary.

17      (k) SUNSET.—The pilot program shall terminate on  
18      the date that is 8 years after the date on which the pilot  
19      program is implemented.

20      **SEC. 1205. PRIORITIZATION PROCESS PILOT PROGRAM.**

21      (a) DEFINITIONS.—In this section:

22              (1) ELIGIBLE ENTITY.—The term “eligible enti-  
23      ty” means—

1           (A) a metropolitan planning organization  
2           that serves an area with a population of over  
3           200,000; and

4           (B) a State.

5           (2) METROPOLITAN PLANNING ORGANIZA-  
6           TION.—The term “metropolitan planning organiza-  
7           tion” has the meaning given the term in section  
8           134(b) of title 23, United States Code.

9           (3) PRIORITIZATION PROCESS PILOT PRO-  
10          GRAM.—The term “prioritization process pilot pro-  
11          gram” means the pilot program established under  
12          subsection (b)(1).

13          (b) ESTABLISHMENT.—

14           (1) IN GENERAL.—The Secretary shall estab-  
15           lish, and solicit applications for a prioritization pro-  
16           cess pilot program.

17           (2) PURPOSE.—The purpose of the  
18           prioritization process pilot program shall be to sup-  
19           port data-driven approaches to planning that, on  
20           completion, can be evaluated for public benefit.

21          (c) PILOT PROGRAM ADMINISTRATION.—

22           (1) IN GENERAL.—An eligible entity partici-  
23           pating in the prioritization process pilot program  
24           shall—

1           (A) use priority objectives that are devel-  
2           oped—

3           (i) in the case of an urbanized area  
4           with a population of over 200,000, by the  
5           metropolitan planning organization that  
6           serves the area, in consultation with the  
7           State;

8           (ii) in the case of an urbanized area  
9           with a population of 200,000 or fewer, by  
10          the State in consultation with all metro-  
11          politan planning organizations in the  
12          State; and

13          (iii) through a public process that pro-  
14          vides an opportunity for public input;

15          (B) assess and score projects and strate-  
16          gies on the basis of—

17          (i) the contribution and benefits of the  
18          project or strategy to each priority objec-  
19          tive developed under subparagraph (A);

20          (ii) the cost of the project or strategy  
21          relative to the contribution and benefits as-  
22          sessed and scored under clause (i); and

23          (iii) public support;

24          (C) use the scores assigned under subpara-  
25          graph (B) to guide project selection in the de-

1 development of the transportation plan and trans-  
 2 portation improvement program; and

3 ~~(D)~~ ensure that the public—

4 (i) has opportunities to provide public  
 5 comment on projects before decisions are  
 6 made on the transportation plan and the  
 7 transportation improvement program; and

8 (ii) has access to clear reasons why  
 9 each project or strategy was selected or not  
 10 selected.

11 ~~(2) REQUIREMENTS.~~—An eligible entity that re-  
 12 ceives a grant under the prioritization process pilot  
 13 program shall use the funds as described in each of  
 14 the following, as applicable:

15 ~~(A) METROPOLITAN TRANSPORTATION~~  
 16 ~~PLANNING.~~—In the case of a metropolitan plan-  
 17 ning organization that serves an area with a  
 18 population of over 200,000, the entity shall—

19 (i) develop and implement a publicly  
 20 accessible, transparent prioritization proe-  
 21 cess for the selection of projects for inclu-  
 22 sion on the transportation plan for the  
 23 metropolitan planning area under section  
 24 134(i) of title 23, United States Code, and

1 section 5303(i) of title 49, United States  
2 Code, which shall—

3 (I) include criteria identified by  
4 the metropolitan planning organiza-  
5 tion, which may be weighted to reflect  
6 the priority objectives developed under  
7 paragraph (1)(A), that the metropoli-  
8 tan planning organization has deter-  
9 mined support—

10 (aa) factors described in sec-  
11 tion 134(h) of title 23, United  
12 States Code, and section 5303(h)  
13 of title 49, United States Code;

14 (bb) targets for national  
15 performance measures under sec-  
16 tion 150(b) of title 23, United  
17 States Code;

18 (cc) applicable transpor-  
19 tation goals in the metropolitan  
20 planning area or State set by the  
21 applicable transportation agency;  
22 and

23 (dd) priority objectives de-  
24 veloped under paragraph (1)(A);

1           (II) evaluate the outcomes for  
 2           each proposed project on the basis of  
 3           the benefits of the proposed project  
 4           with respect to each of the criteria de-  
 5           scribed in subclause (I) relative to the  
 6           cost of the proposed project; and

7           (III) use the evaluation under  
 8           subclause (II) to create a ranked list  
 9           of proposed projects; and

10          (ii) with respect to the priority list  
 11          under section 134(j)(2)(A) of title 23 and  
 12          section 5303(j)(2)(A) of title 49, United  
 13          States Code, include projects according to  
 14          the rank of the project under clause  
 15          (i)(III), except as provided in subpara-  
 16          graph (D).

17          (B) STATEWIDE TRANSPORTATION PLAN-  
 18          NING.—In the case of a State, the State shall—

19               (i) develop and implement a publicly  
 20               accessible, transparent process for the se-  
 21               lection of projects for inclusion on the  
 22               long-range statewide transportation plan  
 23               under section 135(f) of title 23, United  
 24               States Code, which shall—

1 (I) include criteria identified by  
2 the State, which may be weighted to  
3 reflect statewide priorities; that the  
4 State has determined support—

5 (aa) factors described in sec-  
6 tion 135(d) of title 23, United  
7 States Code; and section 5304(d)  
8 of title 49, United States Code;

9 (bb) national transportation  
10 goals under section 150(b) of  
11 title 23, United States Code;

12 (cc) applicable transpor-  
13 tation goals in the State; and

14 (dd) the priority objectives  
15 developed under paragraph  
16 (1)(A);

17 (II) evaluate the outcomes for  
18 each proposed project on the basis of  
19 the benefits of the proposed project  
20 with respect to each of the criteria de-  
21 scribed in subclause (I) relative to the  
22 cost of the proposed project; and

23 (III) use the evaluation under  
24 subclause (II) to create a ranked list  
25 of proposed projects; and

1           (ii) with respect to the statewide  
2           transportation improvement program  
3           under section 135(g) of title 23, United  
4           States Code, and section 5304(g) of title  
5           49, United States Code, include projects  
6           according to the rank of the project under  
7           clause (i)(III), except as provided in sub-  
8           paragraph (D).

9           (C) ~~ADDITIONAL TRANSPORTATION PLAN-~~  
10          ~~NING.—~~If the eligible entity has implemented,  
11          and has in effect, the requirements under sub-  
12          paragraph (A) or (B), as applicable, the eligible  
13          entity may use any remaining funds from a  
14          grant provided under the pilot program for any  
15          transportation planning purpose.

16          (D) ~~EXCEPTIONS TO PRIORITY RANKING.—~~  
17          In the case of any project that the eligible enti-  
18          ty chooses to include or not include in the  
19          transportation improvement program under sec-  
20          tion 134(j) of title 23, United States Code, or  
21          the statewide transportation improvement pro-  
22          gram under section 135(g) of title 23, United  
23          States Code, as applicable, in a manner that is  
24          contrary to the priority ranking for that project  
25          established under subparagraph (A)(i)(III) or

1           (B)(i)(III), the eligible entity shall make pub-  
 2           licly available an explanation for the decision,  
 3           including—

4                   (i) a review of public comments re-  
 5                   garding the project;

6                   (ii) an evaluation of public support for  
 7                   the project;

8                   (iii) an assessment of geographic bal-  
 9                   ance of projects of the eligible entity; and

10                   (iv) the number of projects of the eli-  
 11                   gible entity in economically distressed  
 12                   areas.

13           (3) **MAXIMUM AMOUNT.**—The maximum  
 14           amount of a grant under the prioritization process  
 15           pilot program is \$2,000,000.

16           (d) **APPLICATIONS.**—To be eligible to participate in  
 17           the prioritization process pilot program, an eligible entity  
 18           shall submit to the Secretary an application at such time,  
 19           in such manner, and containing such information as the  
 20           Secretary may require.

21 **SEC. 1206. EXEMPTIONS FOR LOW POPULATION DENSITY**  
 22 **STATES.**

23           Section 150 of title 23, United States Code, is  
 24           amended by adding at the end the following:

1       “(f) EXEMPTIONS FOR LOW POPULATION DENSITY  
2 STATES.—

3           “(1) IN GENERAL.—The Secretary shall grant,  
4 on the election of and in consultation with a State,  
5 an exemption from 1 or more of the requirements  
6 described in paragraph (2)(A) if the State—

7           “(A) is on the list of eligible States under  
8 paragraph (5) for the applicable performance  
9 period; and

10          “(B) provides a written notice of the elec-  
11 tion that includes an explanation under para-  
12 graph (4)(A).

13       “(2) REQUIREMENTS DESCRIBED.—

14           “(A) STATE REQUIREMENTS.—The re-  
15 quirements from which a State described in  
16 paragraph (1) may elect an exemption are—

17           “(i) requirements established under  
18 subclauses (IV) and (V) of subsection  
19 (c)(3)(A)(ii);

20           “(ii) requirements established under  
21 subsection (c)(5)(A);

22           “(iii) requirements established under  
23 subsection (c)(6); and

24           “(iv) targeting, data, reporting, or ad-  
25 ministrative requirements established

1 under subsections (d) and (e) that are re-  
2 lated to a requirement described in clause  
3 (i), (ii), or (iii) from which the State elects  
4 to receive an exemption.

5 “(B) METROPOLITAN PLANNING ORGANI-  
6 ZATION REQUIREMENTS.—A metropolitan plan-  
7 ning organization with a metropolitan planning  
8 area that is located entirely within a State that  
9 is exempt shall be exempt from the require-  
10 ments under section 134(h)(2)(B) that relate to  
11 each measure described in subparagraph (A)  
12 from which the State of the metropolitan plan-  
13 ning organization is exempt.

14 “(3) TERM.—An exemption applied under para-  
15 graph (1) —

16 “(A) shall be in effect until the date that  
17 is 4 years after the date on which the perform-  
18 ance period promulgated by the Secretary under  
19 subsection (d) in effect at the time the exemp-  
20 tion is applied ends; and

21 “(B) may be renewed by the State for an  
22 additional 4-year term at the end of each per-  
23 formance period if, in accordance with para-  
24 graph (4)—

1           “(i) the State submits another written  
2           explanation; and

3           “(ii) the State continues to be in-  
4           cluded on the list of eligible States under  
5           paragraph (5).

6           “(4) NOTIFICATION OF ELECTION OF EXEMP-  
7           TION.—

8           “(A) IN GENERAL.—To be eligible to make  
9           an election under paragraph (1), not later than  
10          September 1 of the calendar year preceding the  
11          calendar year in which the next performance  
12          period promulgated by the Secretary under sub-  
13          section (d) begins, a State described in that  
14          paragraph—

15          “(i) shall submit to the Secretary—

16                  “(I) identification of the 1 or  
17                  more requirements described in para-  
18                  graph (2)(A) for which an exemption  
19                  is elected; and

20                  “(II) a written notice that in-  
21                  cludes an explanation advising the  
22                  Secretary that the State is not experi-  
23                  encing significant performance issues  
24                  on the surface transportation system  
25                  of the State with respect to each re-

1                   requirement referred to in subclause (I);

2                   and

3                   “(ii) may submit to the Secretary any

4                   other information or material that the

5                   State chooses to include in the notice.

6                   “(B) SPECIAL RULE.—Notwithstanding

7                   the deadline described in subparagraph (A), a

8                   State described in paragraph (1) may submit a

9                   notice under subparagraph (A) at any time be-

10                  fore September 1, 2021.

11                  “(5) ELIGIBLE STATES.—

12                  “(A) IN GENERAL.—Not later than 60

13                  days after the date of enactment of this sub-

14                  section and thereafter, on each September 1 of

15                  the calendar year 2 years prior to the calendar

16                  year in which the next performance period pro-

17                  mulgated by the Secretary under subsection (d)

18                  begins, the Secretary shall publish a list of

19                  States that may elect to receive an exemption

20                  from a requirement described in paragraph

21                  (2)(A).

22                  “(B) INCLUSIONS.—The Secretary shall

23                  include on the list under subparagraph (A)—

24                  “(i) any State that—

1           “(I) has a population per square  
2           mile of area that is less than the pop-  
3           ulation per square mile of area of the  
4           United States, based on the latest  
5           available Bureau of the Census data  
6           at the time the Secretary publishes  
7           the list;

8           “(II) does not include an urban-  
9           ized area with a population of over  
10          200,000 within the State; and

11          “(III) has no repeated delays or  
12          other persistent impediments to travel  
13          reliability on the portions of the Na-  
14          tional Highway System in the State  
15          that the Secretary determines to be  
16          excessive; and

17          “(ii) based on the latest available Bu-  
18          reau of the Census data at the time the  
19          Secretary publishes the list, any State  
20          that—

21               “(I) has a population density of  
22               less than 15 persons per square mile  
23               of area; and

1                   “(H) does not include an urban-  
2                   ized area with a population of over  
3                   200,000.

4                   “(6) NATIONAL REPORTING.—

5                   “(A) ELIGIBLE STATES.—For each State  
6                   included on the list of eligible States under  
7                   paragraph (5), the Secretary shall submit to the  
8                   Committee on Environment and Public Works  
9                   of the Senate and the Committee on Transpor-  
10                  tation and Infrastructure of the House of Rep-  
11                  resentatives a report on the status of traffic  
12                  congestion, travel reliability, truck travel reli-  
13                  ability, and any other relevant performance  
14                  metrics on the portions of the National High-  
15                  way System in the State, including any delays  
16                  or impediments that the Secretary determines  
17                  to be excessive.

18                  “(B) EXEMPT STATES.—For each eligible  
19                  State under paragraph (5) that elects to receive  
20                  an exemption under paragraph (1), the Sec-  
21                  retary shall—

22                  “(i) submit to the Committee on Envi-  
23                  ronment and Public Works of the Senate  
24                  and the Committee on Transportation and  
25                  Infrastructure of the House of Representa-

1           tives a report on the results of perform-  
 2           ance measures for all exemptions applied  
 3           to that State under this subsection; and

4                   “(ii) make publicly available as part of  
 5           the State performance dashboard on the  
 6           Department of Transportation website in-  
 7           formation on the performance of the State  
 8           with respect to any requirements from  
 9           which the State is exempt.”.

10 **SEC. 1207. TRAVEL DEMAND DATA AND MODELING.**

11       (a) DEFINITION OF METROPOLITAN PLANNING OR-  
 12       GANIZATION.—In this section, the term “metropolitan  
 13       planning organization” has the meaning given the term  
 14       in section 134(b) of title 23, United States Code.

15       (b) STUDY.—

16           (1) IN GENERAL.—Not later than 2 years after  
 17       the date of enactment of this Act, and not less fre-  
 18       quently than once every 5 years thereafter, the Sec-  
 19       retary shall carry out a study that—

20                   (A) gathers travel data and travel demand  
 21           forecasts from a representative sample of States  
 22           and metropolitan planning organizations;

23                   (B) uses the data and forecasts gathered  
 24           under subparagraph (A) to compare travel de-

1 mand forecasts with the observed data, includ-  
2 ing—

3 (i) traffic counts;

4 (ii) travel mode share and public tran-  
5 sit ridership; and

6 (iii) vehicle occupancy measures; and

7 (C) uses the information described in sub-  
8 paragraphs (A) and (B)—

9 (i) to develop best practices or guid-  
10 ance for States and metropolitan planning  
11 organizations to use in forecasting travel  
12 demand for future investments in transpor-  
13 tation improvements;

14 (ii) to evaluate the impact of trans-  
15 portation investments, including new road-  
16 way capacity, on travel behavior and travel  
17 demand, including public transportation  
18 ridership, induced highway travel, and con-  
19 gestion;

20 (iii) to support more accurate travel  
21 demand forecasting by States and metro-  
22 politan planning organizations; and

23 (iv) to enhance the capacity of States  
24 and metropolitan planning organizations—

1                   (I) to forecast travel demand;  
2                   and

3                   (H) to track observed travel be-  
4                   havior responses, including induced  
5                   travel, to changes in transportation  
6                   capacity, pricing, and land use pat-  
7                   terns.

8                   (2) SECRETARIAL SUPPORT.—The Secretary  
9                   shall seek opportunities to support the transpor-  
10                  tation planning processes under sections 134 and  
11                  135 of title 23, United States Code, through the  
12                  provision of data to States and metropolitan plan-  
13                  ning organizations to improve the quality of plans,  
14                  models, and forecasts described in this subsection.

15                  (3) EVALUATION TOOL.—The Secretary shall  
16                  develop a publicly available multimodal web-based  
17                  tool for the purpose of enabling States and metro-  
18                  politan planning organizations to evaluate the effect  
19                  of investments in highway and public transportation  
20                  projects on the use and conditions of all transpor-  
21                  tation assets within the State or area served by the  
22                  metropolitan planning organization, as applicable.

1 **SEC. 1208. INCREASING SAFE AND ACCESSIBLE TRANSPOR-**  
2 **TATION OPTIONS.**

3 (a) **DEFINITION OF COMPLETE STREETS STAND-**  
4 **ARDS OR POLICIES.**—In this section, the term “Complete  
5 Streets standards or policies” means standards or policies  
6 that ensure the safe and adequate accommodation of all  
7 users of the transportation system, including pedestrians,  
8 bicyclists, public transportation users, children, older indi-  
9 viduals, individuals with disabilities, motorists, and freight  
10 vehicles.

11 (b) **FUNDING REQUIREMENT.**—Notwithstanding any  
12 other provision of law, each State and metropolitan plan-  
13 ning organization shall use to carry out 1 or more activi-  
14 ties described in subsection (c)—

15 (1) in the case of a State, not less than 2.5 per-  
16 cent of the amounts made available to the State to  
17 carry out section 505 of title 23, United States  
18 Code; and

19 (2) in the case of a metropolitan planning orga-  
20 nization, not less than 2.5 percent of the amounts  
21 made available to the metropolitan planning organi-  
22 zation under section 104(d) of title 23, United  
23 States Code.

24 (c) **ACTIVITIES DESCRIBED.**—An activity referred to  
25 in subsection (b) is an activity to increase safe and acces-  
26 sible options for multiple travel modes for people of all

1 ages and abilities, which, if permissible under applicable  
2 State and local laws, may include—

3           (1) adoption of Complete Streets standards or  
4 policies;

5           (2) development of a Complete Streets  
6 prioritization plan that identifies a specific list of  
7 Complete Streets projects to improve the safety, mo-  
8 bility, or accessibility of a street;

9           (3) development of transportation plans—

10           (A) to create a network of active transpor-  
11 tation facilities, including sidewalks, bikeways,  
12 or pedestrian and bicycle trails, to connect  
13 neighborhoods with destinations such as work-  
14 places, schools, residences, businesses, recre-  
15 ation areas, healthcare and child care services,  
16 or other community activity centers;

17           (B) to integrate active transportation fa-  
18 cilities with public transportation service or im-  
19 prove access to public transportation;

20           (C) to create multiuse active transpor-  
21 tation infrastructure facilities, including bike-  
22 ways or pedestrian and bicycle trails, that make  
23 connections within or between communities;

24           (D) to increase public transportation rider-  
25 ship; and

1           (E) to improve the safety of bicyclists and  
2           pedestrians;

3           (4) regional and megaregional planning to ad-  
4           dress travel demand and capacity constraints  
5           through alternatives to new highway capacity, in-  
6           cluding through intercity passenger rail; and

7           (5) development of transportation plans and  
8           policies that support transit-oriented development.

9           (d) FEDERAL SHARE.—The Federal share of the cost  
10          of an activity carried out under this section shall be 100  
11          percent.

## 12           **Subtitle C—Project Delivery and** 13           **Process Improvement**

### 14          **SEC. 1301. EFFICIENT ENVIRONMENTAL REVIEWS FOR** 15                           **PROJECT DECISIONMAKING AND ONE FED-** 16                           **ERAL DECISION.**

17          (a) IN GENERAL.—Section 139 of title 23, United  
18          States Code, is amended—

19               (1) in the section heading, by striking “**deci-**  
20               **sionmaking**” and inserting “**decisionmaking**  
21               **and One Federal Decision**”;

22               (2) in subsection (a)—

23                       (A) by redesignating paragraphs (2)  
24                       through (8) as paragraphs (4), (5), (6), (8),  
25                       (9), (10), and (11), respectively;

1           (B) by inserting after paragraph (1) the  
2 following:

3           “(2) AUTHORIZATION.—The term ‘authoriza-  
4 tion’ means any license, permit, approval, finding, or  
5 other administrative decision related to the environ-  
6 mental review process that is required under Federal  
7 law to site, construct, or reconstruct a project.

8           “(3) ENVIRONMENTAL DOCUMENT.—The term  
9 ‘environmental document’ includes an environmental  
10 assessment, finding of no significant impact, notice  
11 of intent, environmental impact statement, or record  
12 of decision under the National Environmental Policy  
13 Act of 1969 (42 U.S.C. 4321 et seq.).”;

14           (C) in subparagraph (B) of paragraph (5)  
15 (as so redesignated), by striking “process for  
16 and completion of any environmental permit”  
17 and inserting “process and schedule, including  
18 a timetable for completion of any permit”; and

19           (D) by inserting after paragraph (6) (as so  
20 redesignated) the following:

21           “(7) MAJOR INFRASTRUCTURE PROJECT.—The  
22 term ‘major infrastructure project’ means a project  
23 for which—

24           “(A) multiple permits, approvals, reviews,  
25 or studies are required under a Federal law

1 other than the National Environmental Policy  
2 Act of 1969 (42 U.S.C. 4321 et seq.);

3 “(B) the head of the lead agency has de-  
4 termined that an environmental impact state-  
5 ment is required; and

6 “(C) the project sponsor has identified the  
7 reasonable availability of funds sufficient to  
8 complete the project.”;

9 (3) in subsection (b)(1), by inserting “, includ-  
10 ing major infrastructure projects,” after “all  
11 projects”;

12 (4) in subsection (c)—

13 (A) in paragraph (6)—

14 (i) in subparagraph (B), by striking  
15 “and” at the end;

16 (ii) in subparagraph (C), by striking  
17 the period at the end and inserting “;  
18 and”; and

19 (iii) by adding at the end the fol-  
20 lowing:

21 “(D) to calculate annually the average  
22 time taken by the lead agency to complete all  
23 environmental documents for each project dur-  
24 ing the previous fiscal year”; and

25 (B) by adding at the end the following:

1           “(7) PROCESS IMPROVEMENTS FOR MAJOR IN-  
2           FRASTRUCTURE PROJECTS.—

3           “(A) IN GENERAL.—The Secretary shall  
4           review—

5           “(i) existing practices, procedures,  
6           rules, regulations, and applicable laws to  
7           identify impediments to meeting the re-  
8           quirements applicable to major infrastruc-  
9           ture projects under this section; and

10          “(ii) best practices, programmatic  
11          agreements, and potential changes to inter-  
12          nal departmental procedures that would fa-  
13          cilitate an efficient environmental review  
14          process for major infrastructure projects.

15          “(B) CONSULTATION.—In conducting the  
16          review under subparagraph (A), the Secretary  
17          shall consult, as appropriate, with the heads of  
18          other Federal agencies that participate in the  
19          environmental review process.

20          “(C) REPORT.—Not later than 2 years  
21          after the date of enactment of the America’s  
22          Transportation Infrastructure Act of 2019, the  
23          Secretary shall submit to the Committee on En-  
24          vironment and Public Works of the Senate and  
25          the Committee on Transportation and Infra-

1 structure of the House of Representatives a re-  
2 port that includes—

3 “(i) the results of the review under  
4 subparagraph (A); and

5 “(ii) an analysis of whether additional  
6 funding would help the Secretary meet the  
7 requirements applicable to major infra-  
8 structure projects under this section.”;

9 (5) in subsection (d)—

10 (A) in paragraph (8)—

11 (i) in the paragraph heading, by strik-  
12 ing “NEPA” and inserting “ENVIRON-  
13 MENTAL”;

14 (ii) in subparagraph (A)—

15 (I) by inserting “and except as  
16 provided in subparagraph (D)” after  
17 “paragraph (7)”;

18 (II) by striking “permits” and in-  
19 serting “authorizations”; and

20 (III) by striking “single environ-  
21 ment document” and inserting “single  
22 environmental document for each kind  
23 of environmental document”;

24 (iii) in subparagraph (B)(i)—

1 (I) by striking “an environmental  
2 document” and inserting “environ-  
3 mental documents”; and

4 (II) by striking “permits issued”  
5 and inserting “authorizations”; and

6 (iv) by adding at the end the fol-  
7 lowing:

8 “(D) EXCEPTIONS.—The lead agency may  
9 waive the application of subparagraph (A) with  
10 respect to a project if—

11 “(i) the project sponsor requests that  
12 agencies issue separate environmental doc-  
13 uments;

14 “(ii) the obligations of a cooperating  
15 agency or participating agency under the  
16 National Environmental Policy Act of  
17 1969 (42 U.S.C. 4321 et seq.) have al-  
18 ready been satisfied with respect to the  
19 project; or

20 “(iii) the lead agency determines that  
21 reliance on a single environmental docu-  
22 ment (as described in subparagraph (A))  
23 would not facilitate timely completion of  
24 the environmental review process for the  
25 project.”; and

1                   (B) by adding at the end the following:

2                   “(10) TIMELY AUTHORIZATIONS FOR MAJOR IN-  
3                   INFRASTRUCTURE PROJECTS.—

4                   “(A) DEADLINE.—Except as provided in  
5                   subparagraph (C), all authorization decisions  
6                   necessary for the construction of a major infra-  
7                   structure project shall be completed by not later  
8                   than 90 days after the date of the issuance of  
9                   a record of decision for the major infrastructure  
10                  project.

11                  “(B) DETAIL.—The final environmental  
12                  impact statement for a major infrastructure  
13                  project shall include an adequate level of detail  
14                  to inform decisions necessary for the role of the  
15                  participating agencies in the environmental re-  
16                  view process.

17                  “(C) EXTENSION OF DEADLINE.—The  
18                  head of the lead agency may extend the dead-  
19                  line under subparagraph (A) if—

20                         “(i) Federal law prohibits the lead  
21                         agency or another agency from issuing an  
22                         approval or permit within the period de-  
23                         scribed in that subparagraph;

1           “~~(ii)~~ the project sponsor requests that  
2           the permit or approval follow a different  
3           timeline; or

4           “~~(iii)~~ an extension would facilitate  
5           completion of the environmental review and  
6           authorization process of the major infra-  
7           structure project.”;

8           (6) in subsection (g)(1)—

9           (A) in subparagraph (B)—

10           (i) in clause (ii)(IV), by striking  
11           “schedule for and cost of” and inserting  
12           “time required by an agency to conduct an  
13           environmental review and make decisions  
14           under applicable Federal law relating to a  
15           project (including the issuance or denial of  
16           a permit or license) and the cost of”; and

17           (ii) by adding at the end the fol-  
18           lowing:

19           “~~(iii)~~     MAJOR     INFRASTRUCTURE  
20           PROJECT SCHEDULE.—To the maximum  
21           extent practicable and consistent with ap-  
22           plicable Federal law, in the case of a major  
23           infrastructure project, the lead agency  
24           shall develop a schedule for the major in-  
25           frastructure project that is consistent with

1 an agency average of not more than 2  
2 years for the completion of the environ-  
3 mental review process for major infrastruc-  
4 ture projects, as measured from the date  
5 of publication of a notice of intent to pre-  
6 pare an environmental impact statement to  
7 the record of decision.”;

8 (B) by striking subparagraph (D) and in-  
9 serting the following:

10 “(D) MODIFICATION.—

11 “(i) IN GENERAL.—Except as pro-  
12 vided in clause (ii), the lead agency may  
13 lengthen or shorten a schedule established  
14 under subparagraph (B) for good cause.

15 “(ii) EXCEPTIONS.—

16 “(I) MAJOR INFRASTRUCTURE  
17 PROJECTS.—In the case of a major  
18 infrastructure project, the lead agency  
19 may lengthen a schedule under clause  
20 (i) for a cooperating Federal agency  
21 by not more than 1 year after the lat-  
22 est deadline established for the major  
23 infrastructure project by the lead  
24 agency.

1                   “(H) SHORTENED SCHED-  
2                   ULES.—The lead agency may not  
3                   shorten a schedule under clause (i) if  
4                   doing so would impair the ability of a  
5                   cooperating Federal agency to conduct  
6                   necessary analyses or otherwise carry  
7                   out relevant obligations of the Federal  
8                   agency for the project.”;

9                   (C) by redesignating subparagraph (E) as  
10                  subparagraph (F); and

11                  (D) by inserting after subparagraph (D)  
12                  the following:

13                  “(E) FAILURE TO MEET DEADLINE.—If a  
14                  cooperating Federal agency fails to meet a  
15                  deadline established under subparagraph  
16                  (D)(ii)(I)—

17                         “(i) the cooperating Federal agency  
18                         shall submit to the Secretary a report that  
19                         describes the reasons why the deadline was  
20                         not met; and

21                         “(ii) the Secretary shall—

22                                 “(I) transmit to the Committee  
23                                 on Environment and Public Works of  
24                                 the Senate and the Committee on  
25                                 Transportation and Infrastructure of

1 the House of Representatives a copy  
2 of the report under clause (i); and

3 “(H) make the report under  
4 clause (i) publicly available on the  
5 internet.”; and

6 (7) by adding at the end the following:

7 “(p) ACCOUNTABILITY AND REPORTING FOR MAJOR  
8 INFRASTRUCTURE PROJECTS.—

9 “(1) IN GENERAL.—The Secretary shall estab-  
10 lish a performance accountability system to track  
11 each major infrastructure project.

12 “(2) REQUIREMENTS.—The performance ac-  
13 countability system under paragraph (1) shall, for  
14 each major infrastructure project, track, at a min-  
15 imum—

16 “(A) the environmental review process for  
17 the major infrastructure project, including the  
18 project schedule;

19 “(B) whether the lead agency, cooperating  
20 agencies, and participating agencies are meet-  
21 ing the schedule established for the environ-  
22 mental review process; and

23 “(C) the time taken to complete the envi-  
24 ronmental review process.

25 “(q) ADOPTION OF CATEGORICAL EXCLUSIONS.—

1           “(1) IN GENERAL.—Not later than 60 days  
2 after the date of enactment of this subsection, the  
3 Secretary shall—

4           “(A) in consultation with the entities de-  
5 scribed in paragraph (2), identify the categor-  
6 ical exclusions described in section 771.117 of  
7 title 23, Code of Federal Regulations (or suc-  
8 cessor regulations), that would accelerate deliv-  
9 ery of a project if those categorical exclusions  
10 were available to those entities;

11           “(B) collect existing documentation and  
12 substantiating information on the categorical  
13 exclusions described in subparagraph (A); and

14           “(C) provide to each entity described in  
15 paragraph (2) a list of the categorical exclu-  
16 sions identified under subparagraph (A) and  
17 the documentation and substantiating informa-  
18 tion under subparagraph (B).

19           “(2) ENTITIES DESCRIBED.—The entities re-  
20 ferred to in paragraph (1) are—

21           “(A) the Secretary of the Interior;

22           “(B) the Secretary of the Army;

23           “(C) the Secretary of Commerce;

24           “(D) the Secretary of Agriculture;

25           “(E) the Secretary of Energy;

1           “(F) the Secretary of Defense; and

2           “(G) the head of any other Federal agency  
3           that has participated in an environmental re-  
4           view process, as determined by the Secretary.

5           “(3) ADOPTION OF CATEGORICAL EXCLU-  
6           SIONS.—If an entity described in paragraph (2) de-  
7           termines that a categorical exclusion identified under  
8           paragraph (1)(A) meets the criteria for a categorical  
9           exclusion under section 1508.4 of title 40, Code of  
10          Federal Regulations (or successor regulations), not  
11          later than 2 years after the date on which the Sec-  
12          retary provides the list under paragraph (1)(C), the  
13          entity shall publish a notice of proposed rulemaking  
14          to propose a new categorical exclusion.”.

15          (b) CLERICAL AMENDMENT.—The analysis for chap-  
16          ter 1 of title 23, United States Code, is amended by strik-  
17          ing the item relating to section 139 and inserting the fol-  
18          lowing:

          “139. Efficient environmental reviews for project decisionmaking and One Fed-  
          eral Decision.”.

19          **SEC. 1302. WORK ZONE PROCESS REVIEWS.**

20          The Secretary shall amend section 630.1008(e) of  
21          title 23, Code of Federal Regulations, to ensure that the  
22          work zone process review under that subsection is required  
23          not more frequently than once every 5 years.

1 **SEC. 1303. TRANSPORTATION MANAGEMENT PLANS.**

2 (a) ~~IN GENERAL.~~—The Secretary shall amend sec-  
3 tion 630.1010(e) of title 23, Code of Federal Regulations,  
4 to ensure that only a project described in that subsection  
5 with a lane closure for 3 or more consecutive days shall  
6 be considered to be a significant project for purposes of  
7 that section.

8 (b) ~~NON-INTERSTATE PROJECTS.~~—Notwithstanding  
9 any other provision of law, a State shall not be required  
10 to develop or implement a transportation management  
11 plan (as described in section 630.1012 of title 23, Code  
12 of Federal Regulations (or successor regulations)) for a  
13 highway project not on the Interstate System if the project  
14 requires not more than 3 consecutive days of lane closures.

15 **SEC. 1304. INTELLIGENT TRANSPORTATION SYSTEMS.**

16 (a) ~~IN GENERAL.~~—The Secretary shall develop guid-  
17 ance for using existing flexibilities with respect to the sys-  
18 tems engineering analysis described in part 940 of title  
19 23, Code of Federal Regulations (or successor regula-  
20 tions).

21 (b) ~~IMPLEMENTATION.~~—The Secretary shall ensure  
22 that any guidance developed under subsection (a)—

23 (1) clearly identifies criteria for low-risk and ex-  
24 empt intelligent transportation systems projects,  
25 with a goal of minimizing unnecessary delay or pa-  
26 perwork burden;

1           (2) is consistently implemented by the Depart-  
2           ment nationwide; and

3           (3) is disseminated to Federal-aid recipients.

4           (e) SAVINGS PROVISION.—Nothing in this section  
5 prevents the Secretary from amending part 940 of title  
6 23, Code of Federal Regulations (or successor regula-  
7 tions); to reduce State administrative burdens.

8 **SEC. 1305. ALTERNATIVE CONTRACTING METHODS.**

9           (a) ALTERNATIVE CONTRACTING METHODS FOR  
10 FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL  
11 GOVERNMENTS.—Section 201 of title 23, United States  
12 Code, is amended by adding at the end the following:

13           “(f) ALTERNATIVE CONTRACTING METHODS.—

14           “(1) IN GENERAL.—Notwithstanding any other  
15 provision of law (including the Federal Acquisition  
16 Regulation); a contracting method available to a  
17 State under this title may be used by the Secretary,  
18 on behalf of—

19           “(A) a Federal land management agency,  
20 in using any funds pursuant to sections 203,  
21 204, or 308;

22           “(B) a Federal land management agency,  
23 in using any funds pursuant to section 1535 of  
24 title 31 for any of the eligible uses described in

1 sections 203(a)(1) and 204(a)(1) and para-  
 2 graphs (1) and (2) of section 308(a); or

3 “(C) a Tribal government, in using funds  
 4 pursuant to section 202(b)(7)(D).

5 “(2) METHODS DESCRIBED.—The contracting  
 6 methods referred to in paragraph (1) shall include,  
 7 at a minimum—

8 “(A) project bundling;

9 “(B) bridge bundling;

10 “(C) design-build contracting;

11 “(D) 2-phase contracting;

12 “(E) long-term concession agreements; and

13 “(F) any method tested, or that could be  
 14 tested, under an experimental program relating  
 15 to contracting methods carried out by the Sec-  
 16 retary.

17 “(3) EFFECT.—Nothing in this subsection—

18 “(A) affects the application of the Federal  
 19 share for the project carried out with a con-  
 20 tracting method under this subsection; or

21 “(B) modifies the point of obligation of  
 22 Federal salaries and expenses.”.

23 (b) COOPERATION WITH FEDERAL AND STATE  
 24 AGENCIES AND FOREIGN COUNTRIES.—Section 308(a) of

1 title 23, United States Code, is amended by adding at the  
2 end the following:

3           “(4) ALTERNATIVE CONTRACTING METHODS.—

4                   “(A) IN GENERAL.—Notwithstanding any  
5 other provision of law (including the Federal  
6 Acquisition Regulation), in performing services  
7 under paragraph (1), the Secretary may use  
8 any contracting method available to a State  
9 under this title.

10                   “(B) METHODS DESCRIBED.—The con-  
11 tracting methods referred to in subparagraph  
12 (A) shall include, at a minimum—

13                           “(i) project bundling;

14                           “(ii) bridge bundling;

15                           “(iii) design-build contracting;

16                           “(iv) 2-phase contracting;

17                           “(v) long-term concession agreements;

18                   and

19                           “(vi) any method tested, or that could  
20 be tested, under an experimental program  
21 relating to contracting methods carried out  
22 by the Secretary.”.

23           (e) USE OF ALTERNATIVE CONTRACTING METH-  
24 ODS.—In carrying out an alternative contracting method

1 under section 201(f) or 308(a)(4) of title 23, United  
2 States Code, the Secretary shall—

3           (1) in consultation with the applicable Federal  
4 land management agencies, establish clear proce-  
5 dures that are—

6                   (A) applicable to the alternative con-  
7 tracting method; and

8                   (B) to the maximum extent practicable,  
9 consistent with the requirements applicable to  
10 Federal procurement transactions;

11           (2) solicit input on the use of the alternative  
12 contracting method from the affected industry prior  
13 to using the method; and

14           (3) analyze and prepare an evaluation of the  
15 use of the alternative contracting method.

16 **SEC. 1306. FLEXIBILITY FOR PROJECTS.**

17           Section 1420 of the FAST Act (23 U.S.C. 101 note;  
18 Public Law 114-94) is amended—

19           (1) in subsection (a), by striking “and on re-  
20 quest by a State, the Secretary may” in the matter  
21 preceding paragraph (1) and all that follows through  
22 the period at the end of paragraph (2) and inserting  
23 the following: “; on request by a State, and if in the  
24 public interest (as determined by the Secretary), the

1 Secretary shall exercise all existing flexibilities  
2 under—

3 “(1) the requirements of title 23, United States  
4 Code; and

5 “(2) other requirements administered by the  
6 Secretary, in whole or in part.”; and

7 (2) in subsection (b)(2)(A), by inserting “(in-  
8 cluding regulations)” after “environmental law”.

9 **SEC. 1307. IMPROVED FEDERAL-STATE STEWARDSHIP AND**  
10 **OVERSIGHT AGREEMENTS.**

11 (a) DEFINITION OF TEMPLATE.—In this section, the  
12 term “template” means a template created by the Sec-  
13 retary for Federal-State stewardship and oversight agree-  
14 ments that—

15 (1) includes all standard terms found in stew-  
16 ardship and oversight agreements, including any  
17 terms in an attachment to the agreement;

18 (2) is developed in accordance with section 106  
19 of title 23, United States Code, or any other applica-  
20 ble authority; and

21 (3) may be developed with consideration of rel-  
22 evant regulations, guidance, or policies.

23 (b) REQUEST FOR COMMENT.—

24 (1) IN GENERAL.—Not later than 60 days after  
25 the date of enactment of this Act, the Secretary

1 shall publish in the Federal Register the template  
2 and a notice requesting public comment on ways to  
3 improve the template.

4 (2) COMMENT PERIOD.—The Secretary shall  
5 provide a period of not less than 60 days for public  
6 comment on the notice under paragraph (1).

7 (3) CERTAIN ISSUES.—The notice under para-  
8 graph (1) shall allow comment on any aspect of the  
9 template and shall specifically request public com-  
10 ment on—

11 (A) whether the template should be revised  
12 to delete standard terms requiring approval by  
13 the Secretary of the policies, procedures, proc-  
14 esses, or manuals of the States, or other State  
15 actions, if Federal law (including regulations)  
16 does not specifically require an approval;

17 (B) opportunities to modify the template to  
18 allow adjustments to the review schedules for  
19 State practices or actions, including through  
20 risk-based approaches, program reviews, process  
21 reviews, or other means; and

22 (C) any other matters that the Secretary  
23 determines to be appropriate.

24 (c) NOTICE OF ACTION; UPDATES.—

1           (1) ~~IN GENERAL.~~—Not later than 1 year after  
2 the date of enactment of this Act, after considering  
3 the comments received in response to the Federal  
4 Register notice under subsection (b), the Secretary  
5 shall publish in the Federal Register a notice that—

6           (A) describes any proposed changes to be  
7 made, and any alternatives to such changes, to  
8 the template;

9           (B) addresses comments in response to  
10 which changes were not made to the template;  
11 and

12           (C) prescribes a schedule and a plan to  
13 execute a process for implementing the changes  
14 referred to in subparagraph (A).

15           (2) ~~APPROVAL REQUIREMENTS.~~—In addressing  
16 comments under paragraph (1)(B), the Secretary  
17 shall include an explanation of the basis for retain-  
18 ing any requirement for approval of State policies,  
19 procedures, processes, or manuals, or other State ac-  
20 tions, if Federal law (including regulations) does not  
21 specifically require the approval.

22           (3) ~~IMPLEMENTATION.~~—

23           (A) ~~IN GENERAL.~~—Not later than 60 days  
24 after the date on which the notice under para-

1 graph (1) is published, the Secretary shall make  
2 changes to the template in accordance with—

3 (i) the changes described in the notice  
4 under paragraph (1)(A); and

5 (ii) the schedule and plan described in  
6 the notice under paragraph (1)(C).

7 (B) UPDATES.—Not later than 1 year  
8 after the date on which the revised template  
9 under subparagraph (A) is published, the Sec-  
10 retary shall update existing agreements with  
11 States according to the template updated under  
12 subparagraph (A).

13 (d) INCLUSION OF NON-STANDARD TERMS.—Noth-  
14 ing in this section precludes the inclusion in a Federal-  
15 State stewardship and oversight agreement of non-stand-  
16 ard terms to address a State-specific matter, including  
17 risk-based stewardship and Department oversight involve-  
18 ment in individual projects of division interest.

19 (e) COMPLIANCE WITH NON-STATUTORY TERMS.—

20 (1) IN GENERAL.—The Secretary shall not en-  
21 force or otherwise require a State to comply with ap-  
22 proval requirements that are not required by Federal  
23 law (including regulations) in a Federal-State stew-  
24 ardship and oversight agreement.

1           (2) APPROVAL AUTHORITY.—Notwithstanding  
2 any other provision of law, the Secretary shall not  
3 assert approval authority over any matter in a Fed-  
4 eral-State stewardship and oversight agreement re-  
5 served to States.

6           (f) FREQUENCY OF REVIEWS.—Section 106(g)(3) of  
7 title 23, United States Code, is amended—

8           (1) by striking “annual”;

9           (2) by striking “The Secretary” and inserting  
10 the following:

11           “(A) IN GENERAL.—The Secretary”; and

12           (3) by adding at the end the following:

13           “(B) FREQUENCY.—

14           “(i) IN GENERAL.—Except as pro-  
15 vided in clauses (ii) and (iii), the Secretary  
16 shall carry out a review under subpara-  
17 graph (A) not less frequently than once  
18 every 2 years.

19           “(ii) CONSULTATION WITH STATE.—

20 The Secretary, after consultation with a  
21 State, may make a determination to carry  
22 out a review under subparagraph (A) for  
23 that State less frequently than provided  
24 under clause (i).

1                   “(iii) CAUSE.—If the Secretary deter-  
2                   mines that there is a specific reason to re-  
3                   quire a review more frequently than pro-  
4                   vided under clause (i) with respect to a  
5                   State, the Secretary may carry out a re-  
6                   view more frequently than provided under  
7                   that clause.”.

8 **SEC. 1308. GEOMATIC DATA.**

9           (a) IN GENERAL.—The Secretary shall develop guid-  
10          ance for the acceptance and use of information obtained  
11          from a non-Federal entity through geomatic techniques,  
12          including remote sensing and land surveying, cartography,  
13          geographic information systems, global navigation satellite  
14          systems, photogrammetry, or other remote means.

15          (b) CONSIDERATIONS.—In carrying out this section,  
16          the Secretary shall ensure that acceptance or use of infor-  
17          mation described in subsection (a) meets the data quality  
18          and operational requirements of the Secretary.

19          (c) PUBLIC COMMENT.—Before issuing any final  
20          guidance under subsection (a), the Secretary shall provide  
21          to the public—

22                   (1) notice of the proposed guidance; and

23                   (2) an opportunity to comment on the proposed  
24          guidance.

25          (d) SAVINGS CLAUSE.—Nothing in this section—

1           (1) requires the Secretary to accept or use in-  
 2           formation that the Secretary determines does not  
 3           meet the guidance developed under this section; or  
 4           (2) changes the current statutory or regulatory  
 5           requirements of the Department.

6 **SEC. 1309. EVALUATION OF PROJECTS WITHIN AN OPER-**  
 7           **ATIONAL RIGHT-OF-WAY.**

8           (a) IN GENERAL.—Chapter 3 of title 23, United  
 9 States Code, is amended by adding at the end the fol-  
 10 lowing:

11 **“§ 331. Evaluation of projects within an operational**  
 12           **right-of-way**

13           “(a) DEFINITIONS.—

14           “(1) ELIGIBLE PROJECT OR ACTIVITY.—

15           “(A) IN GENERAL.—In this section, the  
 16 term ‘eligible project or activity’ means a  
 17 project or activity within an existing operational  
 18 right-of-way (as defined in section  
 19 771.117(c)(22) of title 23, Code of Federal  
 20 Regulations (or successor regulations))—

21           “(i)(I) eligible for assistance under  
 22 this title; or

23           “(II) administered as if made avail-  
 24 able under this title;

25           “(ii) that is—

1           “(I) a preventive maintenance,  
2           preservation, or highway safety im-  
3           provement project (as defined in sec-  
4           tion 148(a)); or

5           “(II) a new turn lane that the  
6           State advises in writing to the Sec-  
7           retary would assist public safety; and  
8           “(iii) that—

9           “(I) is classified as a categorical  
10          exclusion under section 771.117 of  
11          title 23, Code of Federal Regulations  
12          (or successor regulations); or

13          “(II) if the project or activity  
14          does not receive assistance described  
15          in clause (i) would be considered a  
16          categorical exclusion if the project or  
17          activity received assistance described  
18          in clause (i).

19          “(B) EXCLUSION.—The term ‘eligible  
20          project or activity’ does not include a project to  
21          create a new travel lane.

22          “(2) PRELIMINARY EVALUATION.—The term  
23          ‘preliminary evaluation’, with respect to an applica-  
24          tion described in subsection (b)(1), means an evalua-  
25          tion that is customary or practicable for the relevant

1 agency to complete within a 45-day period for simi-  
2 lar applications.

3 “(3) RELEVANT AGENCY.—The term ‘relevant  
4 agency’ means a Federal agency, other than the  
5 Federal Highway Administration, with responsibility  
6 for review of an application from a State for a per-  
7 mit, approval, or jurisdictional determination for an  
8 eligible project or activity.

9 “(b) ACTION REQUIRED.—

10 “(1) IN GENERAL.—Subject to paragraph (2),  
11 not later than 45 days after the date of receipt of  
12 an application by a State for a permit, approval, or  
13 jurisdictional determination for an eligible project or  
14 activity, the head of the relevant agency shall—

15 “(A) make at least a preliminary evalua-  
16 tion of the application; and

17 “(B) notify the State of the results of the  
18 preliminary evaluation under subparagraph (A).

19 “(2) EXTENSION.—The head of the relevant  
20 agency may extend the review period under para-  
21 graph (1) by not more than 30 days if the head of  
22 the relevant agency provides to the State written no-  
23 tice that includes an explanation of the need for the  
24 extension.

1           “~~(3)~~ FAILURE TO ACT.—If the head of the rel-  
 2           evant agency fails to meet a deadline under para-  
 3           graph ~~(1)~~ or ~~(2)~~, as applicable, the head of the rel-  
 4           evant agency shall—

5                   “(A) not later than 30 days after the date  
 6                   of the missed deadline, submit to the State, the  
 7                   Committee on Environment and Public Works  
 8                   of the Senate, and the Committee on Transpor-  
 9                   tation and Infrastructure of the House of Rep-  
 10                  resentatives a report that describes why the  
 11                  deadline was missed; and

12                   “(B) not later than 14 days after the date  
 13                   on which a report is submitted under subpara-  
 14                   graph (A), make publicly available, including on  
 15                   the internet, a copy of that report.”.

16           (b) CLERICAL AMENDMENT.—The analysis for chap-  
 17           ter 3 of title 23, United States Code, is amended by add-  
 18           ing at the end the following:

“331. Evaluation of projects within an operational right-of-way.”.

19           **SEC. 1310. DEPARTMENT OF TRANSPORTATION REPORTS.**

20           (a) IN GENERAL.—Chapter 3 of title 23, United  
 21           States Code (as amended by section 1309(a)), is amended  
 22           by adding at the end the following:

1 **“§ 332. Department of Transportation reports**

2 “(a) DEFINITION OF DASHBOARD.—In this section,  
3 the term ‘Dashboard’ has the meaning given the term in  
4 section 41001 of the FAST Act (42 U.S.C. 4370m).

5 “(b) REPORTS.—Not later than January 31 of each  
6 year, the Secretary shall submit to the Committee on En-  
7 vironment and Public Works of the Senate and the Com-  
8 mittee on Transportation and Infrastructure of the House  
9 of Representatives a report with respect to any projects,  
10 programs, or authorities under this title (other than chap-  
11 ter 4) that includes—

12 “(1) for the preceding fiscal year—

13 “(A) the median time described in sub-  
14 section (c)(1) posted on the Dashboard for  
15 projects described in subsection (c)(2);

16 “(B) a list of any new categorical exclu-  
17 sions adopted by the Department and listed  
18 under section 771.117 of title 23, Code of Fed-  
19 eral Regulations (or successor regulations); and

20 “(C) a list of all regulatory requirements  
21 that have been removed or reduced and, if  
22 available, a summary of the cost savings result-  
23 ing from the removal or reduction to—

24 “(i) States;

25 “(ii) units of Tribal and local govern-  
26 ment; and

1                   “(iii) the public; and

2                   “(2) for the current fiscal year—

3                   “(A) an estimate or documentation of the  
4                   median time elapsed between—

5                   “(i) the date of the publication in the  
6                   Federal Register of a notice of intent to  
7                   prepare an environmental impact state-  
8                   ment; and

9                   “(ii) the date of the record of decision  
10                  with respect to that environmental impact  
11                  statement by the Department; and

12                  “(B) if available, a summary of the cost  
13                  savings, including cost savings to States, units  
14                  of Tribal and local government, and the public,  
15                  resulting from the removal or reduction of regu-  
16                  latory requirements.

17                  “(e) FEDERAL PERMITTING DASHBOARD.—

18                  “(1) IN GENERAL.—Not later than January 31  
19                  of each year, the Secretary shall provide to the Ex-  
20                  ecutive Director of the Federal Permitting Improve-  
21                  ment Steering Council established under section  
22                  41002(a) of the FAST Act (42 U.S.C. 4370m-1(a)),  
23                  to make available on the Dashboard, with respect to  
24                  projects described in paragraph (2), the median time  
25                  elapsed between—

1           “(A) the publication in the Federal Reg-  
2           ister of the notice of intent to prepare an envi-  
3           ronmental impact statement; and

4           “(B) the date of issuance of the record of  
5           decision with respect to that environmental im-  
6           pact statement by the Department of Transpor-  
7           tation.

8           “(2) PROJECTS DESCRIBED.—A project re-  
9           ferred to in paragraph (1) is a project for which—

10           “(A) a record of decision for an environ-  
11           mental impact statement was issued during the  
12           preceding fiscal year; and

13           “(B) the Department of Transportation is  
14           a lead agency (as defined in section 139).”.

15           (b) CLERICAL AMENDMENT.—The analysis for chap-  
16           ter 3 of title 23, United States Code (as amended by sec-  
17           tion 1309(b)), is amended by adding at the end the fol-  
18           lowing:

“332. Department of Transportation reports.”.

## 19           **Subtitle D—Climate Change**

### 20           **SEC. 1401. GRANTS FOR CHARGING AND FUELING INFRA- 21           STRUCTURE TO MODERNIZE AND RECON- 22           NECT AMERICA FOR THE 21ST CENTURY.**

23           (a) PURPOSE.—The purpose of this section is to es-  
24           tablish a grant program to strategically deploy electric ve-  
25           hicle charging infrastructure, hydrogen fueling infrastruc-

1 ture, and natural gas fueling infrastructure along des-  
 2 ignated alternative fuel corridors that will be accessible to  
 3 all drivers of electric vehicles, hydrogen vehicles, and nat-  
 4 ural gas vehicles.

5 (b) GRANT PROGRAM.—Section 151 of title 23,  
 6 United States Code, is amended—

7 (1) in subsection (a), by striking “Not later  
 8 than 1 year after the date of enactment of the  
 9 FAST Act, the Secretary shall” and inserting “The  
 10 Secretary shall periodically”;

11 (2) in subsection (b)(2), by inserting “pre-  
 12 viously designated by the Federal Highway Adminis-  
 13 tration or” before “designated by”;

14 (3) in subsection (d)—

15 (A) by striking “5 years after the date of  
 16 establishment of the corridors under subsection  
 17 (a), and every 5 years thereafter,” and insert-  
 18 ing “180 days after the date of enactment of  
 19 the America’s Transportation Infrastructure  
 20 Act of 2019,”; and

21 (B) by inserting “establish a recurring  
 22 process to regularly” before “update”;

23 (4) in subsection (e)—

24 (A) in paragraph (1), by striking “and” at  
 25 the end;

1                   (B) in paragraph (2)—

2                   (i) by striking “establishes an aspira-  
3                   tional goal of achieving” and inserting “de-  
4                   scribes efforts, including through funds  
5                   awarded through the grant program under  
6                   subsection (f), that will aid efforts to  
7                   achieve”; and

8                   (ii) by striking “by the end of fiscal  
9                   year 2020.” and inserting “; and”; and

10                  (C) by adding at the end the following:

11                  “(3) summarizes best practices and provides  
12                  guidance, developed through consultation with the  
13                  Secretary of Energy, for project development of elec-  
14                  tric vehicle charging infrastructure, hydrogen fueling  
15                  infrastructure, and natural gas fueling infrastruc-  
16                  ture at the State, Tribal, and local level to allow for  
17                  the predictable deployment of that infrastructure.”;  
18                  and

19                  (5) by adding at the end the following:

20                  “(f) GRANT PROGRAM.—

21                  “(1) ESTABLISHMENT.—Not later than 1 year  
22                  after the date of enactment of the America’s Trans-  
23                  portation Infrastructure Act of 2019, the Secretary  
24                  shall establish a grant program to award grants to

1 eligible entities to carry out the activities described  
2 in paragraph (5).

3 “(2) ELIGIBLE ENTITIES.—An entity eligible to  
4 receive a grant under this subsection is—

5 “(A) a State or political subdivision of a  
6 State;

7 “(B) a metropolitan planning organization;

8 “(C) a unit of local government;

9 “(D) a special purpose district or public  
10 authority with a transportation function, includ-  
11 ing a port authority;

12 “(E) an Indian tribe (as defined in section  
13 4 of the Indian Self-Determination and Edu-  
14 cation Assistance Act (25 U.S.C. 5304));

15 “(F) an authority, agency, or instrumen-  
16 tality of, or an entity owned by, 1 or more enti-  
17 ties described in subparagraphs (A) through  
18 (E); or

19 “(G) a group of entities described in sub-  
20 paragraphs (A) through (F).

21 “(3) APPLICATIONS.—To be eligible to receive a  
22 grant under this subsection, an eligible entity shall  
23 submit to the Secretary an application at such time,  
24 in such manner, and containing such information as  
25 the Secretary shall require, including—

1           “(A) a description of how the eligible enti-  
2           ty has considered—

3                   “(i) public accessibility of charging or  
4                   fueling infrastructure proposed to be fund-  
5                   ed with a grant under this subsection, in-  
6                   cluding—

7                           “(I) charging or fueling con-  
8                           nector types and publicly available in-  
9                           formation on real-time availability;  
10                           and

11                           “(II) payment methods to ensure  
12                           secure, convenient, fair, and equal ac-  
13                           cess;

14                           “(ii) collaborative engagement with  
15                           stakeholders (including automobile manu-  
16                           facturers, utilities, infrastructure pro-  
17                           viders, technology providers, electric charg-  
18                           ing, hydrogen, and natural gas fuel pro-  
19                           viders, metropolitan planning organiza-  
20                           tions, States, Indian tribes, and units of  
21                           local governments, fleet owners, fleet man-  
22                           agers, fuel station owners and operators,  
23                           labor organizations, infrastructure con-  
24                           struction and component parts suppliers,  
25                           and multi-State and regional entities)—

1           “(I) to foster enhanced, coordi-  
2 nated, public-private or private invest-  
3 ment in electric vehicle charging infra-  
4 structure, hydrogen fueling infrastruc-  
5 ture, or natural gas fueling infrastruc-  
6 ture;

7           “(II) to expand deployment of  
8 electric vehicle charging infrastruc-  
9 ture, hydrogen fueling infrastructure,  
10 or natural gas fueling infrastructure;

11           “(III) to protect personal privacy  
12 and ensure cybersecurity; and

13           “(IV) to ensure that a properly  
14 trained workforce is available to con-  
15 struct and install electric vehicle  
16 charging infrastructure, hydrogen  
17 fueling infrastructure, or natural gas  
18 fueling infrastructure;

19           “(iii) the location of the station or  
20 fueling site, such as consideration of—

21           “(I) the availability of onsite  
22 amenities for vehicle operators, such  
23 as restrooms or food facilities;

1                   “(H) access in compliance with  
2                   the Americans with Disabilities Act of  
3                   1990 (42 U.S.C. 12101 et seq.);

4                   “(III) height and fueling capacity  
5                   requirements for facilities that charge  
6                   or refuel large vehicles, such as semi-  
7                   trailer trucks; and

8                   “(IV) appropriate distribution to  
9                   avoid redundancy and fill charging or  
10                  fueling gaps;

11                  “(iv) infrastructure installation that  
12                  can be responsive to technology advance-  
13                  ments, such as accommodating autono-  
14                  mous vehicles and future charging meth-  
15                  ods; and

16                  “(v) the long-term operation and  
17                  maintenance of the electric vehicle charg-  
18                  ing infrastructure, hydrogen fueling infra-  
19                  structure, or natural gas fueling infra-  
20                  structure, to avoid stranded assets and  
21                  protect the investment of public funds in  
22                  that infrastructure; and

23                  “(B) an assessment of the estimated emis-  
24                  sions that will be reduced through the use of  
25                  electric vehicle charging infrastructure, hydro-

1           gen fueling infrastructure, or natural gas fuel-  
2           ing infrastructure, which shall be conducted  
3           using the Alternative Fuel Life-Cycle Environ-  
4           mental and Economic Transportation  
5           (AFLEET) tool developed by Argonne National  
6           Laboratory (or a successor tool).

7           “(4) CONSIDERATIONS.—In selecting eligible  
8           entities to receive a grant under this subsection, the  
9           Secretary shall—

10                   “(A) consider the extent to which the ap-  
11                   plication of the eligible entity would—

12                           “(i) improve alternative fueling cor-  
13                           ridor networks by—

14                                   “(I) converting corridor-pending  
15                                   corridors to corridor-ready corridors;  
16                                   or

17                                   “(II) in the case of corridor-  
18                                   ready corridors, providing redun-  
19                                   dancy—

20                                           “(aa) to meet excess demand  
21                                           for charging or fueling infra-  
22                                           structure; or

23                                           “(bb) to reduce congestion  
24                                           at existing charging or fueling in-

1                    frastructure in high-traffic loca-  
2                    tions;

3                    “(ii) meet current or anticipated mar-  
4                    ket demands for charging or fueling infra-  
5                    structure;

6                    “(iii) enable or accelerate the con-  
7                    struction of charging or fueling infrastruc-  
8                    ture that would be unlikely to be completed  
9                    without Federal assistance; and

10                   “(iv) support a long-term competitive  
11                   market for electric vehicle charging infra-  
12                   structure, hydrogen fueling infrastructure,  
13                   or natural gas fueling infrastructure that  
14                   does not significantly impair existing elec-  
15                   tric vehicle charging infrastructure, hydro-  
16                   gen fueling infrastructure, or natural gas  
17                   fueling infrastructure providers;

18                   “(B) ensure, to the maximum extent prac-  
19                   ticable, geographic diversity among grant recipi-  
20                   ents to ensure that electric vehicle charging in-  
21                   frastructure, hydrogen fueling infrastructure, or  
22                   natural gas fueling infrastructure is available  
23                   throughout the United States;

1           “(C) consider whether the private entity  
2 that the eligible entity contracts with under  
3 paragraph (5)—

4           “(i) submits to the Secretary the most  
5 recent year of audited financial statements;  
6 and

7           “(ii) has experience in installing and  
8 operating electric vehicle charging infra-  
9 structure, hydrogen fueling infrastructure,  
10 or natural gas fueling infrastructure; and

11          “(D) consider whether, to the maximum  
12 extent practicable, the eligible entity and the  
13 private entity that the eligible entity contracts  
14 with under paragraph (5) enter into an agree-  
15 ment—

16          “(i) to operate and maintain publicly  
17 available electric vehicle charging infra-  
18 structure, hydrogen fueling infrastructure,  
19 or natural gas infrastructure; and

20          “(ii) that provides a remedy and an  
21 opportunity to cure if the requirements de-  
22 scribed in clause (i) are not met.

23          “(5) USE OF FUNDS.—

24          “(A) IN GENERAL.—An eligible entity re-  
25 ceiving a grant under this subsection shall only

1 use the funds in accordance with this paragraph  
2 to contract with a private entity for acquisition  
3 and installation of publicly accessible electric  
4 vehicle charging infrastructure, hydrogen fuel-  
5 ing infrastructure, or natural gas fueling infra-  
6 structure that is directly related to the charging  
7 or fueling of a vehicle.

8 “(B) LOCATION OF INFRASTRUCTURE.—

9 Any electric vehicle charging infrastructure, hy-  
10 drogen fueling infrastructure, or natural gas  
11 fueling infrastructure acquired and installed  
12 with a grant under this subsection shall be lo-  
13 cated along an alternative fuel corridor des-  
14 ignated—

15 “(i) under this section, on the condi-  
16 tion that any affected Indian tribes are  
17 consulted before the designation; or

18 “(ii) by a State or group of States,  
19 such as the Regional Electric Vehicle West  
20 Plan of the States of Arizona, Colorado,  
21 Idaho, Montana, Nevada, New Mexico,  
22 Utah, and Wyoming; on the condition that  
23 any affected Indian tribes are consulted  
24 before the designation.

25 “(C) OPERATING ASSISTANCE.—

1           “(i) IN GENERAL.—Subject to clauses  
2           (ii) and (iii), an eligible entity that receives  
3           a grant under this subsection may use a  
4           portion of the funds to provide to a private  
5           entity operating assistance for the first 5  
6           years of operations after the installation of  
7           electric vehicle charging infrastructure, hy-  
8           drogen fueling infrastructure, or natural  
9           gas fueling infrastructure while the facility  
10          transitions to independent system oper-  
11          ations.

12          “(ii) INCLUSIONS.—Operating assist-  
13          ance under this subparagraph shall be lim-  
14          ited to costs allocable to operating and  
15          maintaining the electric vehicle charging  
16          infrastructure, hydrogen fueling infrastruc-  
17          ture, or natural gas fueling infrastructure  
18          and service, including costs associated with  
19          labor, marketing, and administrative costs.

20          “(iii) LIMITATION.—Operating assist-  
21          ance under this subparagraph may not ex-  
22          ceed the amount of a contract under sub-  
23          paragraph (A) to acquire and install pub-  
24          licly accessible electric vehicle charging in-

1           frastructure, hydrogen fueling infrastruc-  
2           ture, or natural gas fueling infrastructure.

3           “(D) SIGNS.—

4                   “(i) IN GENERAL.—Subject to this  
5           paragraph and paragraph (6)(B), an eligi-  
6           ble entity that receives a grant under this  
7           subsection may use a portion of the funds  
8           to acquire and install—

9                           “(I) traffic control devices lo-  
10                          cated in the right-of-way to provide  
11                          directional information to electric ve-  
12                          hicle charging infrastructure, hydro-  
13                          gen fueling infrastructure, or natural  
14                          gas fueling infrastructure acquired,  
15                          installed, or operated with the grant;  
16                          and

17                           “(II) on-premises signs to pro-  
18                          vide information about electric vehicle  
19                          charging infrastructure, hydrogen  
20                          fueling infrastructure, or natural gas  
21                          fueling infrastructure acquired, in-  
22                          stalled, or operated with a grant  
23                          under this subsection.

24                          “(ii) APPLICABILITY.—Clause (i) shall  
25           apply only to an eligible entity that—

1           “(I) receives a grant under this  
2 subsection; and

3           “(II) is using that grant for the  
4 acquisition and installation of publicly  
5 accessible electric vehicle charging in-  
6 frastructure; hydrogen fueling infra-  
7 structure; or natural gas fueling infra-  
8 structure.

9           “(iii) LIMITATION ON AMOUNT.—The  
10 amount of funds used to acquire and in-  
11 stall traffic control devices and on-premises  
12 signs under clause (i) may not exceed the  
13 amount of a contract under subparagraph  
14 (A) to acquire and install publicly acces-  
15 sible charging or fueling infrastructure.

16           “(iv) NO NEW AUTHORITY CRE-  
17 ATED.—Nothing in this subparagraph au-  
18 thORIZES an eligible entity that receives a  
19 grant under this subsection to acquire and  
20 install traffic control devices or on-prem-  
21 ises signs if the entity is not otherwise au-  
22 thORIZED to do so.

23           “(E) REVENUE.—An eligible entity receiv-  
24 ing a grant under this subsection and a private  
25 entity referred to in subparagraph (A) may

1 enter into a cost-sharing agreement under  
2 which the private entity submits to the eligible  
3 entity a portion of the revenue from the electric  
4 vehicle charging infrastructure, hydrogen fuel-  
5 ing infrastructure, or natural gas fueling infra-  
6 structure.

7 “(6) PROJECT REQUIREMENTS.—

8 “(A) IN GENERAL.—Notwithstanding any  
9 other provision of law, any project funded by a  
10 grant under this subsection shall be treated as  
11 a project on a Federal-aid highway under this  
12 chapter.

13 “(B) SIGNS.—Any traffic control device or  
14 on-premises sign acquired, installed, or operated  
15 with a grant under this subsection shall comply  
16 with—

17 “(i) the Manual on Uniform Traffic  
18 Control Devices, if located in the right-of-  
19 way; and

20 “(ii) other provisions of Federal,  
21 State, and local law, as applicable.

22 “(7) FEDERAL SHARE.—

23 “(A) IN GENERAL.—The Federal share of  
24 the cost of a project carried out with a grant

1 under this subsection shall not exceed 80 per-  
 2 cent of the total project cost.

3 “(B) RESPONSIBILITY OF PRIVATE ENTI-  
 4 TY.—As a condition of contracting with an eli-  
 5 gible entity under paragraph (5), a private enti-  
 6 ty shall agree to pay the share of the cost of  
 7 a project carried out with a grant under this  
 8 subsection that is not paid by the Federal Gov-  
 9 ernment under subparagraph (A).

10 “(8) REPORT.—Not later than 3 years after the  
 11 date of enactment of this subsection, the Secretary  
 12 shall submit to the Committee on Environment and  
 13 Public Works of the Senate and the Committee on  
 14 Transportation and Infrastructure of the House of  
 15 Representatives and make publicly available a report  
 16 on the progress and implementation of this sub-  
 17 section.”.

18 **SEC. 1402. REDUCTION OF TRUCK EMISSIONS AT PORT FA-**  
 19 **CILITIES.**

20 (a) ESTABLISHMENT OF PROGRAM.—

21 (1) IN GENERAL.—The Secretary shall establish  
 22 a program to reduce idling at port facilities, under  
 23 which the Secretary shall—

24 (A) study how ports and intermodal port  
 25 transfer facilities would benefit from increased

1 opportunities to reduce emissions at ports, in-  
2 cluding through the electrification of port oper-  
3 ations;

4 (B) study emerging technologies and strat-  
5 egies that may help reduce port-related emis-  
6 sions from idling trucks; and

7 (C) coordinate and provide funding to test,  
8 evaluate, and deploy projects that reduce port-  
9 related emissions from idling trucks, including  
10 through the advancement of port electrification  
11 and improvements in efficiency, focusing on  
12 port operations, including heavy-duty commer-  
13 cial vehicles, and other related projects.

14 (2) CONSULTATION.—In carrying out the pro-  
15 gram under this subsection, the Secretary may con-  
16 sult with the Secretary of Energy and the Adminis-  
17 trator of the Environmental Protection Agency.

18 (b) GRANTS.—

19 (1) IN GENERAL.—In carrying out subsection  
20 (a)(1)(C), the Secretary shall award grants to fund  
21 projects that reduce emissions at ports, including  
22 through the advancement of port electrification.

23 (2) COST SHARE.—A grant awarded under  
24 paragraph (1) shall not exceed 80 percent of the  
25 total cost of the project funded by the grant.

1           (3) COORDINATION.—In carrying out the grant  
2 program under this subsection, the Secretary shall—

3           (A) to the maximum extent practicable, le-  
4 verage existing resources and programs of the  
5 Department and other relevant Federal agen-  
6 cies; and

7           (B) coordinate with other Federal agen-  
8 cies, as the Secretary determines to be appro-  
9 priate.

10          (4) APPLICATION; SELECTION.—

11           (A) APPLICATION.—The Secretary shall  
12 solicit applications for grants under paragraph  
13 (1) at such time, in such manner, and con-  
14 taining such information as the Secretary deter-  
15 mines to be necessary.

16           (B) SELECTION.—The Secretary shall  
17 make grants under paragraph (1) by not later  
18 than April 1 of each fiscal year for which fund-  
19 ing is made available.

20          (e) REPORT.—Not later than 1 year after the date  
21 on which all of the projects funded with a grant under  
22 subsection (b) are completed, the Secretary shall submit  
23 to Congress a report that includes—

24           (1) the findings of the studies described in sub-  
25 paragraphs (A) and (B) of subsection (a)(1);

1           (2) the results of the projects that received a  
2 grant under subsection (b);

3           (3) any recommendations for workforce develop-  
4 ment and training opportunities with respect to port  
5 electrification; and

6           (4) any policy recommendations based on the  
7 findings and results described in paragraphs (1) and  
8 (2).

9 **SEC. 1403. CARBON REDUCTION INCENTIVE PROGRAMS.**

10       (a) IN GENERAL.—Chapter 1 of title 23, United  
11 States Code (as amended by section 1203(a)), is amended  
12 by adding at the end the following:

13 **“§ 177. Formula carbon reduction incentive program**

14       “(a) DEFINITIONS.—In this section:

15           “(1) METROPOLITAN PLANNING ORGANIZATION;  
16 URBANIZED AREA.—The terms ‘metropolitan plan-  
17 ning organization’ and ‘urbanized area’ have the  
18 meaning given those terms in section 134(b).

19           “(2) TRANSPORTATION EMISSIONS.—The term  
20 ‘transportation emissions’ means carbon dioxide  
21 emissions from on-road highway sources of those  
22 emissions within a State.

23           “(3) TRANSPORTATION MANAGEMENT AREA.—  
24 The term ‘transportation management area’ means

1 a transportation management area identified or des-  
2 ignated by the Secretary under section 134(k)(1).

3 “(b) FORMULA CARBON REDUCTION AWARDS.—

4 “(1) IN GENERAL.—For each fiscal year, the  
5 Secretary shall distribute among the States the  
6 amounts made available to carry out this section for  
7 that fiscal year in accordance with paragraph (2).

8 “(2) DISTRIBUTION.—The amount for each  
9 State shall be determined by multiplying the total  
10 amount made available to carry out this section for  
11 the applicable fiscal year by the ratio that—

12 “(A) the total base apportionment for the  
13 State under section 104(e), bears to

14 “(B) the total base apportionments for all  
15 States under section 104(e).

16 “(c) EMISSIONS REDUCTION SUPPLEMENTAL.—

17 “(1) IN GENERAL.—A State shall use 50 per-  
18 cent of the amount distributed to the State under  
19 subsection (b) for each fiscal year to carry out ac-  
20 tivities under paragraph (2).

21 “(2) ELIGIBLE ACTIVITIES.—Subject to para-  
22 graph (3), a State and any metropolitan planning  
23 organization that is required to obligate funds in ac-  
24 cordance with subsection (c) shall use the funds

1 under paragraph (1) for activities designed to reduce  
2 transportation emissions, including—

3 “(A) a project described in paragraph (4),  
4 (5), (7), or (8) of subsection (b) of section 149  
5 or subsection (e)(2) of that section, regardless  
6 of whether the project—

7 “(i) is located in an area designated  
8 as a nonattainment or maintenance area,  
9 as described in section 149(b); or

10 “(ii) is likely to contribute to the at-  
11 tainment or maintenance in the area of a  
12 national ambient air quality standard;

13 “(B) a project that is eligible for assist-  
14 ance under section 142;

15 “(C) a project for the provision of facilities  
16 for pedestrians and bicyclists (including the  
17 conversion and use of rail corridors for pedes-  
18 trian and bike trails);

19 “(D) a project that is described in section  
20 503(e)(4)(E);

21 “(E) a project to reduce emissions from  
22 port-related equipment and vehicles;

23 “(F) a project to replace street lighting  
24 and traffic control devices with energy efficient  
25 alternatives; and

1           “(G) the development of a carbon reduc-  
2           tion strategy under subsection (d)(1)(A).

3           “(3) LIMITATION.—No funds provided under  
4           paragraph (1) may be used for a project that will re-  
5           sult in the construction of new capacity available to  
6           single-occupant vehicles.

7           “(4) FEDERAL SHARE.—The Federal share of  
8           the cost of a project carried out with funds under  
9           paragraph (1) shall be determined in accordance  
10          with section 120.

11          “(d) CARBON REDUCTION STRATEGY PLANNING IN-  
12          CENTIVE.—

13           “(1) CARBON REDUCTION STRATEGY.—

14           “(A) IN GENERAL.—A State may, in con-  
15           sultation with a metropolitan planning organi-  
16           zation within the State, develop a carbon reduc-  
17           tion strategy.

18           “(B) REQUIREMENTS.—If a State develops  
19           a carbon reduction strategy under subpara-  
20           graph (A), the carbon reduction strategy  
21           shall—

22           “(i) identify projects and strategies to  
23           reduce transportation emissions, which  
24           may include projects and strategies for  
25           safe, reliable, and cost-effective options—

1           “(I) to reduce traffic congestion  
2           on Federal-aid highways located with-  
3           in the State or the area served by the  
4           metropolitan planning organization, as  
5           applicable;

6           “(II) to facilitate the use of alter-  
7           natives to single-occupant vehicle  
8           trips, including public transportation  
9           facilities, pedestrian facilities, bicycle  
10          facilities, and shared or pooled vehicle  
11          trips within the State or an area  
12          served by the metropolitan planning  
13          organization, if any;

14          “(III) to facilitate the use of ve-  
15          hicles or modes of travel that result in  
16          lower transportation emissions per  
17          person-mile traveled; and

18          “(IV) to facilitate approaches to  
19          transportation asset construction and  
20          maintenance that result in lower  
21          transportation emissions;

22          “(ii) set targets for the reduction of  
23          transportation emissions and implementa-  
24          tion of the projects and strategies identi-  
25          fied under clause (i);

1           “(iii) be appropriate to the population  
2           density and context of the State, including  
3           a metropolitan planning organization with-  
4           in the State, if any;

5           “(iv) provide a reasonable opportunity  
6           for participation and review by interested  
7           parties within the State;

8           “(v) be updated not less frequently  
9           than once every 3 years; and

10          “(vi) be reviewed and certified by the  
11          Secretary to have met the requirements of  
12          this subparagraph.

13          “(2) CARBON REDUCTION STRATEGY PLANNING  
14          INCENTIVE.—

15          “(A) IN GENERAL.—A State shall use 50  
16          percent of the amounts made available to the  
17          State under subsection (b) for each fiscal year  
18          for the eligible activities under subparagraph  
19          (B).

20          “(B) ELIGIBLE ACTIVITIES.—

21          “(i) IN GENERAL.—A State and any  
22          metropolitan planning organization in the  
23          State that is required to obligate funds in  
24          accordance with subsection (c) may use the  
25          funds under subparagraph (A) for a

1 project or strategy described in subsection  
2 (e)(2).

3 “(ii) **ADDITIONAL ELIGIBILITY INCEN-**  
4 **TIVE.**—In addition to the eligible activities  
5 under clause (i), a State and any metro-  
6 politan planning organization in the State  
7 that is required to obligate funds in ac-  
8 cordance with subsection (e) may use the  
9 funds under subparagraph (A) for a  
10 project eligible under section 133(b) if—

11 “(I) the State has, within the fis-  
12 cal year prior to the fiscal year in  
13 which the Secretary is making the  
14 grant or by a deadline established by  
15 the Secretary in the fiscal year in  
16 which the Secretary is making the  
17 grant, developed a carbon reduction  
18 strategy under paragraph (1)(A) that  
19 has been approved by the Secretary  
20 under clause (vi) of that paragraph;  
21 or

22 “(II) the State or metropolitan  
23 planning organization has, within the  
24 4 fiscal years prior to the fiscal year  
25 in which the Secretary is making the

1 grant or by a deadline established by  
 2 the Secretary in the fiscal year in  
 3 which the Secretary is making the  
 4 grant, incorporated a carbon reduc-  
 5 tion strategy under paragraph (1)(A)  
 6 into—

7 “(aa) a long-range transpor-  
 8 tation plan developed by the met-  
 9 ropolitan planning organization  
 10 under section 134(e), if any; and

11 “(bb) the long-range state-  
 12 wide transportation plan devel-  
 13 oped by the State under section  
 14 135(f)(1).

15 “(C) FEDERAL SHARE.—The Federal  
 16 share of the cost of a project carried out using  
 17 funds under subparagraph (A) shall be—

18 “(i) in the case of a State or metro-  
 19 politan planning organization within a  
 20 State that meets the requirements under  
 21 subparagraph (B)(ii), up to 100 percent,  
 22 at the discretion of the State; and

23 “(ii) in the case of a State or metro-  
 24 politan planning organization within a

1 State that is not described in clause (i);  
2 determined in accordance with section 120.

3 ~~“(e) SUBALLOCATION REQUIREMENTS.—~~

4 ~~“(1) IN GENERAL.—For each fiscal year, of the~~  
5 ~~funds made available to a State under subsections~~  
6 ~~(e) and (d)—~~

7 ~~“(A) 65 percent of each amount shall be~~  
8 ~~obligated, in proportion to their relative shares~~  
9 ~~of the population of the State—~~

10 ~~“(i) in urbanized areas of the State~~  
11 ~~with an urbanized area population of over~~  
12 ~~200,000; and~~

13 ~~“(ii) in other areas of the State; and~~

14 ~~“(B) the remainder may be obligated in~~  
15 ~~any area of the State.~~

16 ~~“(2) METROPOLITAN AREAS.—Funds attributed~~  
17 ~~to an urbanized area under paragraph (1)(A)(i) may~~  
18 ~~be obligated in the metropolitan area established~~  
19 ~~under section 134 that encompasses the urbanized~~  
20 ~~area.~~

21 ~~“(3) DISTRIBUTION AMONG URBANIZED AREAS~~  
22 ~~OF OVER 200,000 POPULATION.—~~

23 ~~“(A) IN GENERAL.—Except as provided in~~  
24 ~~subparagraph (B), the amount that a State is~~  
25 ~~required to obligate under paragraph (1)(A)(i)~~

1 shall be obligated in urbanized areas described  
2 in paragraph (1)(A)(i) based on the relative  
3 population of the areas.

4 “(B) OTHER FACTORS.—The State may  
5 obligate the funds described in subparagraph  
6 (A) based on other factors if—

7 “(i) the State and the relevant metro-  
8 politan planning organizations jointly apply  
9 to the Secretary for the permission to base  
10 the obligation on other factors; and

11 “(ii) the Secretary grants the request.

12 “(4) CONSULTATION IN URBANIZED AREAS.—

13 Before obligating funds for an eligible activity under  
14 subsection (c) or (d) in an urbanized area that is not  
15 a transportation management area, a State shall  
16 consult with any metropolitan planning organization  
17 that represents the urbanized area prior to deter-  
18 mining which activities should be carried out.

19 “(5) CONSULTATION IN RURAL AREAS.—Before  
20 obligating funds for an eligible activity under sub-  
21 section (c) or (d) in a rural area, a State shall con-  
22 sult with any regional transportation planning orga-  
23 nization or metropolitan planning organization that  
24 represents the rural area prior to determining which  
25 activities should be carried out.

1 **“§ 178. Carbon reduction performance program**

2 “(a) DEFINITIONS.—In this section:

3 “(1) METROPOLITAN PLANNING ORGANIZATION;  
4 URBANIZED AREA.—The terms ‘metropolitan plan-  
5 ning organization’ and ‘urbanized area’ have the  
6 meaning given those terms in section 134(b).

7 “(2) QUALIFYING STATE.—The term ‘qualifying  
8 State’ means a State in which—

9 “(A) the average annual transportation  
10 emissions within the State has grown more  
11 slowly or declined during the most recent 2-cal-  
12 endar year period for which data are available  
13 for transportation emissions at the time the  
14 Secretary is making the grant under this sec-  
15 tion, as compared to the 2-calendar year period  
16 that immediately precedes that period; or

17 “(B) the average annual transportation  
18 emissions within the State, as estimated on a  
19 per capita basis, has grown more slowly or de-  
20 clined during the most recent 2-calendar year  
21 period for which data are available for transpor-  
22 tation emissions at the time the Secretary is  
23 making the grant under this section, as com-  
24 pared to the 2-calendar year period that imme-  
25 diately precedes that period.

1           “(3) QUALIFYING UNIT OF LOCAL GOVERN-  
2           MENT.—The term ‘qualifying unit of local govern-  
3           ment’ means a unit of local government in an urban-  
4           ized area served by a metropolitan planning organi-  
5           zation, in which—

6                   “(A) the average annual transportation  
7                   emissions within the urbanized area has grown  
8                   more slowly or declined during the most recent  
9                   2-calendar year period for which data are avail-  
10                  able for transportation emissions at the time  
11                  the Secretary is making the grant under this  
12                  section, as compared to the 2-calendar year pe-  
13                  riod that immediately precedes that period; or

14                   “(B) the average annual transportation  
15                   emissions within the urbanized area, as esti-  
16                   mated on a per capita basis, has grown more  
17                   slowly or declined during the most recent 2-cal-  
18                   endar year period for which data are available  
19                   for transportation emissions at the time the  
20                   Secretary is making the grant under this sec-  
21                   tion, as compared to the 2-calendar year period  
22                   that immediately precedes that period.

23           “(4) TRANSPORTATION EMISSIONS.—The term  
24           ‘transportation emissions’ has the meaning given the  
25           term in section 177(a).

1       “(b) CARBON REDUCTION PERFORMANCE AND  
2 PLANNING RECOGNITION AWARDS.—

3               “(1) IN GENERAL.—The Secretary shall estab-  
4 lish a competitive grant program to award grants to  
5 eligible entities in recognition of the achievement of  
6 the eligible entity in meeting the performance cat-  
7 egories described in paragraph (3)(A).

8               “(2) ELIGIBLE ENTITIES.—The Secretary shall  
9 distribute amounts under paragraph (1) to any of  
10 the following:

11                       “(A) A qualifying State.

12                       “(B) A qualifying unit of local government.

13               “(3) PERFORMANCE CATEGORIES.—

14                       “(A) IN GENERAL.—The Secretary shall  
15 select eligible entities to receive a grant under  
16 paragraph (1) to recognize the achievement of  
17 the eligible entity in meeting any of the fol-  
18 lowing performance categories:

19                               “(i) A significant reduction in trans-  
20 portation emissions, as estimated on a per  
21 unit of economic output basis.

22                               “(ii) A significant reduction in trans-  
23 portation emissions, as estimated on a per  
24 capita basis.

1           “(iii) Transportation emissions, as es-  
2           timated on a per unit of economic output  
3           basis, that are among the lowest of juris-  
4           dictions with comparable population and  
5           surface transportation system characteris-  
6           tics.

7           “(iv) Transportation emissions, as es-  
8           timated on a per capita basis, that are  
9           among the lowest of jurisdictions with  
10          comparable population and surface trans-  
11          portation system characteristics.

12          “(v) Innovative planning efforts and  
13          the implementation of a carbon reduction  
14          strategy under section 177(d)(1)(A) or  
15          plans that lead to a reduction in transpor-  
16          tation emissions.

17          “(B) MERIT BASED DISTRIBUTION.—In se-  
18          lecting among eligible entities to receive grants  
19          under paragraph (1) and the amount of each of  
20          those grants, the Secretary shall give priority to  
21          eligible entities that have achieved the most sig-  
22          nificant levels of reductions of transportation  
23          emissions, as estimated on either a per unit of  
24          economic basis or on a per capita basis.

1           “(C) MULTIPLE AWARDS.—The Secretary  
2           may—

3                   “(i) award a grant under paragraph  
4                   (1) to multiple eligible entities for each  
5                   performance category described in sub-  
6                   paragraph (A); and

7                   “(ii) recognize achievements in each  
8                   performance category described in sub-  
9                   paragraph (A)—

10                           “(I) in urban and rural areas;  
11                           and

12                           “(II) on the State and local level.

13           “(D) REPEAT AWARDS.—The Secretary  
14           may not award a grant under this subsection to  
15           the same eligible entity more than once in a 2-  
16           year period.

17           “(4) AWARD AMOUNT.—A grant under para-  
18           graph (1) shall be in an amount—

19                           “(A) not less than \$5,000,000; and

20                           “(B) not more than \$30,000,000.

21           “(5) ELIGIBLE USES.—An eligible entity may  
22           use a grant under paragraph (1) for—

23                           “(A) an activity eligible under this title;

24                           and

25                           “(B) a project—

1                   “(i) to maintain the condition of a  
2                   Federal-aid highway, including routine  
3                   maintenance; or

4                   “(ii) that—

5                                 “(I) responds to a specific condi-  
6                                 tion or event; and

7                                 “(II) restores a Federal-aid high-  
8                                 way to a functional state of oper-  
9                                 ations.

10                   “(6) APPLICATIONS.—To be eligible to receive a  
11                   grant under paragraph (1), an eligible entity shall  
12                   submit to the Secretary an application at such time,  
13                   in such manner, and containing such information as  
14                   the Secretary may require.

15                   “(7) FEDERAL SHARE.—The Federal share of  
16                   the cost of a project carried out using a grant under  
17                   paragraph (1) shall be, as determined at the discre-  
18                   tion of the grant recipient, up to 100 percent.”.

19                   (b) CLERICAL AMENDMENT.—The analysis for chap-  
20                   ter 4 of title 23, United States Code (as amended by sec-  
21                   tion 1203(b)), is amended by inserting after the item re-  
22                   lating to section 176 the following:

“177. Formula carbon reduction incentive program.

“178. Carbon reduction performance program.”.

1 **SEC. 1404. CONGESTION RELIEF PROGRAM.**

2 (a) IN GENERAL.—Section 129 of title 23, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 “(d) CONGESTION RELIEF PROGRAM.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) ELIGIBLE ENTITY.—The term ‘eligi-  
8 ble entity’ means—

9 “(i) a State, for the purpose of ear-  
10 rying out a project in an urbanized area  
11 with a population of more than 1,000,000;  
12 and

13 “(ii) a metropolitan planning organi-  
14 zation, city, or municipality, for the pur-  
15 pose of carrying out a project in an urban-  
16 ized area with a population of more than  
17 1,000,000.

18 “(B) INTEGRATED CONGESTION MANAGE-  
19 MENT SYSTEM.—The term ‘integrated conges-  
20 tion management system’ means a system for  
21 the integration of management and operations  
22 of a regional transportation system that in-  
23 cludes, at a minimum, traffic incident manage-  
24 ment, work zone management, traffic signal  
25 timing, managed lanes, real-time traveler infor-  
26 mation, and active traffic management, in order

1 to maximize the capacity of all facilities and  
2 modes across the applicable region.

3 “(C) PROGRAM.—The term ‘program’  
4 means the congestion relief program established  
5 under paragraph (2).

6 “(2) ESTABLISHMENT.—The Secretary shall es-  
7 tablish a congestion relief program to provide discre-  
8 tionary grants to eligible entities to advance innova-  
9 tive, integrated, and multimodal solutions to conges-  
10 tion relief in the most congested metropolitan areas  
11 of the United States.

12 “(3) PROGRAM GOALS.—The goals of the pro-  
13 gram are to reduce highway congestion, reduce eco-  
14 nomic and environmental costs associated with that  
15 congestion, including transportation emissions, and  
16 optimize existing highway capacity and usage of  
17 highway and transit systems through—

18 “(A) improving intermodal integration with  
19 highways, highway operations, and highway  
20 performance;

21 “(B) reducing or shifting highway users to  
22 off-peak travel times or to nonhighway travel  
23 modes during peak travel times; and

24 “(C) pricing of, or based on, as applica-  
25 ble—

1 “(i) parking;

2 “(ii) use of roadways, including in  
3 designated geographic zones; or

4 “(iii) congestion.

5 “(4) ELIGIBLE PROJECTS.—Funds from a  
6 grant under the program may be used for a project  
7 or an integrated collection of projects, including  
8 planning, design, implementation, and construction  
9 activities, to achieve the program goals under para-  
10 graph (3), including—

11 “(A) deployment and operation of an inte-  
12 grated congestion management system;

13 “(B) deployment and operation of a system  
14 that implements or enforces high occupancy ve-  
15 hicle toll lanes, cordon pricing, parking pricing,  
16 or congestion pricing;

17 “(C) deployment and operation of mobility  
18 services, including establishing account-based fi-  
19 nancial systems, commuter buses, commuter  
20 vans, express operations, paratransit, and on-  
21 demand microtransit; and

22 “(D) incentive programs that encourage  
23 travelers to carpool, use nonhighway travel  
24 modes during peak period, or travel during  
25 nonpeak periods.

1           “(5) APPLICATION; SELECTION.—

2           “(A) APPLICATION.—To be eligible to re-  
3           ceive a grant under the program, an eligible en-  
4           tity shall submit to the Secretary an application  
5           at such time, in such manner, and containing  
6           such information as the Secretary may require.

7           “(B) PRIORITY.—In providing grants  
8           under the program, the Secretary shall give pri-  
9           ority to projects in urbanized areas that are ex-  
10          periencing a high degree of recurrent conges-  
11          tion.

12          “(C) FEDERAL SHARE.—The Federal  
13          share of the cost of a project carried out with  
14          a grant under the program shall not exceed 80  
15          percent of the total project cost.

16          “(D) MINIMUM AWARD.—A grant provided  
17          under the program shall be not less than  
18          \$10,000,000.

19          “(6) USE OF TOLLING.—

20          “(A) IN GENERAL.—Notwithstanding sub-  
21          section (a)(1) and section 301 and subject to  
22          subparagraphs (B) and (C), the Secretary shall  
23          allow the use of tolls on the Interstate System  
24          as part of a project carried out with a grant  
25          under the program.

1           “(B) REQUIREMENTS.—The Secretary  
2           may only approve the use of tolls under sub-  
3           paragraph (A) if—

4                   “(i) the eligible entity has authority  
5                   under State, and if applicable, local, law to  
6                   assess the applicable toll;

7                   “(ii) the maximum toll rate for any  
8                   vehicle class is not greater than the prod-  
9                   uct obtained by multiplying—

10                   “(I) the toll rate for any other  
11                   vehicle class; and

12                   “(II) 5;

13                   “(iii) the toll rates are not charged or  
14                   varied on the basis of State residency;

15                   “(iv) the Secretary determines that  
16                   the use of tolls will enable the eligible enti-  
17                   ty to achieve the program goals under  
18                   paragraph (3) without a significant impact  
19                   to safety or mobility within the urbanized  
20                   area in which the project is located; and

21                   “(v) the use of toll revenues complies  
22                   with subsection (a)(3).

23           “(C) LIMITATION.—The Secretary may not  
24           approve the use of tolls on the Interstate Sys-

1           tem under the program in more than 10 urban-  
2           ized areas:

3           “(7) FINANCIAL EFFECTS ON LOW-INCOME  
4           DRIVERS.—A project under the program—

5                   “(A) shall include, if appropriate, an anal-  
6                   ysis of the potential effects of the project on  
7                   low-income drivers; and

8                   “(B) may include mitigation measures to  
9                   deal with any potential adverse financial effects  
10                  on low-income drivers.”.

11          (b) HIGH OCCUPANCY VEHICLE USE OF CERTAIN  
12          TOLL FACILITIES.—Section 129(a) of title 23, United  
13          States Code, is amended—

14                  (1) by redesignating paragraph (10) as para-  
15                  graph (11); and

16                  (2) by inserting after paragraph (9) the fol-  
17                  lowing:

18                          “(10) HIGH OCCUPANCY VEHICLE USE OF CER-  
19                          TAIN TOLL FACILITIES.—Notwithstanding section  
20                          102(a), in the case of a toll facility that is on the  
21                          Interstate System and that is constructed or con-  
22                          verted after the date of enactment of the America’s  
23                          Transportation Infrastructure Act of 2019, the pub-  
24                          lic authority with jurisdiction over the toll facility  
25                          shall allow high occupancy vehicles, transit, and

1       paratransit vehicles to use the facility at a discount  
 2       rate or without charge, unless the public authority,  
 3       in consultation with the Secretary, determines that  
 4       the number of those vehicles using the facility re-  
 5       duces the travel time reliability of the facility.”.

6   **SEC. 1405. FREIGHT PLANS.**

7       (a) NATIONAL AND STATE FREIGHT PLANS.—

8           (1) NATIONAL FREIGHT STRATEGIC PLAN.—

9       Section 70102(b) of title 49, United States Code, is  
 10      amended—

11           (A) in paragraph (10), by striking “and”  
 12           at the end;

13           (B) in paragraph (11), by striking the pe-  
 14           riod at the end and inserting a semicolon; and

15           (C) by adding at the end the following:

16           “(12) possible strategies to increase resiliency,  
 17           including the ability to anticipate, prepare for, or  
 18           adapt to conditions, or withstand, respond to, or re-  
 19           cover rapidly from disruptions, including extreme  
 20           weather and natural disasters;

21           “(13) strategies to promote United States eco-  
 22           nomic growth and international competitiveness; and

23           “(14) strategies to reduce local air pollution,  
 24           water runoff, and wildlife habitat loss.”.

1           (2) STATE FREIGHT PLANS.—Section 70202 of  
2 title 49, United States Code, is amended—

3           (A) in subsection (b)—

4                 (i) in paragraph (9), by striking  
5 “and” at the end;

6                 (ii) by redesignating paragraph (10)  
7 as paragraph (13); and

8                 (iii) by inserting after paragraph (9)  
9 the following:

10           “(10) the most recent commercial motor vehicle  
11 parking facilities assessment conducted under sub-  
12 section (f);

13           “(11) strategies and goals to decrease—

14                 “(A) the severity of impacts of extreme  
15 weather and natural disasters;

16                 “(B) local air pollution;

17                 “(C) flooding, water runoff, and other ad-  
18 verse water impacts; and

19                 “(D) wildlife habitat loss;

20           “(12) strategies and goals to decrease the ad-  
21 verse impact of freight transportation on commu-  
22 nities traversed by freight railroads; and”;

23           (B) by redesignating subsection (e) as sub-  
24 section (h); and

1                   (C) by inserting after subsection (d) the  
2                   following:

3                   “(e) **PRIORITY.**—Each State freight plan under this  
4 section shall include a requirement that the State, in ear-  
5 rying out activities under the State freight plan—

6                   “(1) enhance reliability or redundancy; or

7                   “(2) incorporate the ability to rapidly restore  
8 access and reliability.

9                   “(f) **COMMERCIAL MOTOR VEHICLE PARKING FA-  
10 CILITIES ASSESSMENTS.**—As part of the development or  
11 updating, as applicable, of the State freight plan under  
12 this section, each State that receives funding under section  
13 167 of title 23, in consultation with relevant State motor  
14 carrier safety personnel, shall conduct an assessment of—

15                   “(1) the capability of the State, together with  
16 the private sector in the State, to provide adequate  
17 parking facilities and rest facilities for commercial  
18 motor vehicles engaged in interstate transportation;

19                   “(2) the volume of commercial motor vehicle  
20 traffic in the State; and

21                   “(3) whether there are any areas within the  
22 State that have a shortage of adequate commercial  
23 motor vehicle parking facilities, including an analysis  
24 (economic or otherwise, as the State determines to

1 be appropriate) of the underlying causes of any such  
2 shortages.

3 “(g) APPROVAL.—

4 “(1) IN GENERAL.—The Secretary of Transpor-  
5 tation shall approve a State freight plan described in  
6 subsection (a) if the plan achieves compliance with  
7 the requirements of this section.

8 “(2) SAVINGS PROVISION.—Nothing in this sub-  
9 section establishes new procedural requirements for  
10 the approval of a State freight plan described in  
11 subsection (a).”.

12 (b) STUDIES.—For the purpose of facilitating the in-  
13 tegration of freight transportation into an intelligent  
14 transportation system network powered by electricity, the  
15 Secretary, acting through the Administrator of the Fed-  
16 eral Highway Administration, shall conduct 2 or more ap-  
17 propriate studies relating to—

18 (1) preparing to supply power to applicable  
19 electrical freight infrastructure; and

20 (2) safely integrating freight into a smart vehi-  
21 cle world.

1 **SEC. 1406. UTILIZING SIGNIFICANT EMISSIONS WITH INNO-**  
 2 **VATIVE TECHNOLOGIES.**

3 (a) RESEARCH, INVESTIGATION, TRAINING, AND  
 4 OTHER ACTIVITIES.—Section 103 of the Clean Air Act  
 5 (42 U.S.C. 7403) is amended—

6 (1) in subsection (c)(3), in the first sentence of  
 7 the matter preceding subparagraph (A), by striking  
 8 “precursors” and inserting “precursors”; and

9 (2) in subsection (g)—

10 (A) by redesignating paragraphs (1)  
 11 through (4) as subparagraphs (A) through (D),  
 12 respectively, and indenting appropriately;

13 (B) in the undesignated matter following  
 14 subparagraph (D) (as so redesignated)—

15 (i) in the second sentence, by striking  
 16 “The Administrator” and inserting the fol-  
 17 lowing:

18 “(5) COORDINATION AND AVOIDANCE OF DU-  
 19 PPLICATION.—The Administrator”; and

20 (ii) in the first sentence, by striking  
 21 “Nothing” and inserting the following:

22 “(4) EFFECT OF SUBSECTION.—Nothing”;

23 (C) in the matter preceding subparagraph  
 24 (A) (as so redesignated)—

1 (i) in the third sentence, by striking  
 2 “Such program” and inserting the fol-  
 3 lowing:

4 “(3) PROGRAM INCLUSIONS.—The program  
 5 under this subsection”;

6 (ii) in the second sentence—  
 7 (I) by inserting “States, institu-  
 8 tions of higher education,” after “sci-  
 9 entists,”; and  
 10 (II) by striking “Such strategies  
 11 and technologies shall be developed”  
 12 and inserting the following:

13 “(2) PARTICIPATION REQUIREMENT.—Such  
 14 strategies and technologies described in paragraph  
 15 (1) shall be developed”; and

16 (iii) in the first sentence, by striking  
 17 “In carrying out” and inserting the fol-  
 18 lowing:

19 “(1) IN GENERAL.—In carrying out”; and

20 (D) by adding at the end the following:

21 “(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

22 “(A) IN GENERAL.—In carrying out para-  
 23 graph (3)(A) with respect to carbon dioxide, the  
 24 Administrator shall carry out the activities de-

1 scribed in each of subparagraphs (B), (C), (D),  
2 and (E).

3 “(B) DIRECT AIR CAPTURE RESEARCH.—

4 “(i) DEFINITIONS.—In this subpara-  
5 graph:

6 “(I) BOARD.—The term ‘Board’  
7 means the Direct Air Capture Tech-  
8 nology Advisory Board established by  
9 clause (iii)(I).

10 “(II) DILUTE.—The term ‘dilute’  
11 means a concentration of less than 1  
12 percent by volume.

13 “(III) DIRECT AIR CAPTURE.—

14 “(aa) IN GENERAL.—The  
15 term ‘direct air capture’, with re-  
16 spect to a facility, technology, or  
17 system, means that the facility,  
18 technology, or system uses ear-  
19 bon capture equipment to cap-  
20 ture carbon dioxide directly from  
21 the air.

22 “(bb) EXCLUSION.—The  
23 term ‘direct air capture’ does not  
24 include any facility, technology,

1 or system that captures carbon  
2 dioxide—

3 “(AA) that is delib-  
4 erately released from a natu-  
5 rally occurring subsurface  
6 spring; or

7 “(BB) using natural  
8 photosynthesis.

9 “(IV) INTELLECTUAL PROP-  
10 erty.—The term ‘intellectual prop-  
11 erty’ means—

12 “(aa) an invention that is  
13 patentable under title 35, United  
14 States Code; and

15 “(bb) any patent on an in-  
16 vention described in item (aa).

17 “(ii) TECHNOLOGY PRIZES.—

18 “(I) IN GENERAL.—Not later  
19 than 1 year after the date of enact-  
20 ment of the America’s Transportation  
21 Infrastructure Act of 2019, the Ad-  
22 ministrator, in consultation with the  
23 Secretary of Energy, shall establish a  
24 program to provide; and shall provide;  
25 financial awards on a competitive

1 basis for direct air capture from  
2 media in which the concentration of  
3 carbon dioxide is dilute.

4 “(H) DUTIES.—In carrying out  
5 this clause, the Administrator shall—

6 “(aa) subject to subclause  
7 (H), develop specific require-  
8 ments for—

9 “(AA) the competition  
10 process; and

11 “(BB) the demonstra-  
12 tion of performance of ap-  
13 proved projects;

14 “(bb) offer financial awards  
15 for a project designed—

16 “(AA) to the maximum  
17 extent practicable, to cap-  
18 ture more than 10,000 tons  
19 of carbon dioxide per year;  
20 and

21 “(BB) to operate in a  
22 manner that would be com-  
23 mercially viable in the fore-  
24 seeable future (as deter-  
25 mined by the Board); and

1           “(cc) to the maximum ex-  
2           tent practicable, make financial  
3           awards to geographically diverse  
4           projects, including at least—

5                   “(AA) 1 project in a  
6                   coastal State; and

7                   “(BB) 1 project in a  
8                   rural State.

9           “(III) PUBLIC PARTICIPATION.—

10           In carrying out subclause (II)(aa), the  
11           Administrator shall—

12                   “(aa) provide notice of and,  
13                   for a period of not less than 60  
14                   days, an opportunity for public  
15                   comment on, any draft or pro-  
16                   posed version of the requirements  
17                   described in subclause (II)(aa);  
18                   and

19                   “(bb) take into account pub-  
20                   lic comments received in devel-  
21                   oping the final version of those  
22                   requirements.

23           “(iii) DIRECT AIR CAPTURE TECH-  
24           NOLOGY ADVISORY BOARD.—

1                   “(I) ESTABLISHMENT.—There is  
2 established an advisory board to be  
3 known as the ‘Direct Air Capture  
4 Technology Advisory Board’.

5                   “(II) COMPOSITION.—The Board  
6 shall be composed of 9 members ap-  
7 pointed by the Administrator, who  
8 shall provide expertise in—

9                           “(aa) climate science;

10                           “(bb) physics;

11                           “(cc) chemistry;

12                           “(dd) biology;

13                           “(ee) engineering;

14                           “(ff) economics;

15                           “(gg) business management;

16                   and

17                           “(hh) such other disciplines  
18 as the Administrator determines  
19 to be necessary to achieve the  
20 purposes of this subparagraph.

21                   “(III) TERM; VACANCIES.—

22                           “(aa) TERM.—A member of  
23 the Board shall serve for a term  
24 of 6 years.

1                   “(bb) VACANCIES.—A va-  
2                   cancy on the Board—

3                   “(AA) shall not affect  
4                   the powers of the Board;  
5                   and

6                   “(BB) shall be filled in  
7                   the same manner as the  
8                   original appointment was  
9                   made.

10                  “(IV) INITIAL MEETING.—Not  
11                  later than 30 days after the date on  
12                  which all members of the Board have  
13                  been appointed, the Board shall hold  
14                  the initial meeting of the Board.

15                  “(V) MEETINGS.—The Board  
16                  shall meet at the call of the Chair-  
17                  person or on the request of the Ad-  
18                  ministratoꝛ.

19                  “(VI) QUORUM.—A majority of  
20                  the members of the Board shall con-  
21                  stitute a quorum, but a lesser number  
22                  of members may hold hearings.

23                  “(VII) CHAIRPERSON AND VICE  
24                  CHAIRPERSON.—The Board shall se-  
25                  lect a Chairperson and Vice Chair-

1 person from among the members of  
2 the Board.

3 “(VIII) COMPENSATION.—Each  
4 member of the Board may be com-  
5 pensated at not to exceed the daily  
6 equivalent of the annual rate of basic  
7 pay in effect for a position at level V  
8 of the Executive Schedule under sec-  
9 tion 5316 of title 5, United States  
10 Code, for each day during which the  
11 member is engaged in the actual per-  
12 formance of the duties of the Board.

13 “(IX) DUTIES.—The Board shall  
14 advise the Administrator on carrying  
15 out the duties of the Administrator  
16 under this subparagraph.

17 “(X) FACA.—The Federal Advi-  
18 sory Committee Act (5 U.S.C. App.)  
19 shall apply to the Board.

20 “(iv) INTELLECTUAL PROPERTY.—

21 “(I) IN GENERAL.—As a condi-  
22 tion of receiving a financial award  
23 under this subparagraph, an applicant  
24 shall agree to vest the intellectual  
25 property of the applicant derived from

1 the technology in 1 or more entities  
2 that are incorporated in the United  
3 States.

4 “(II) RESERVATION OF LI-  
5 CENSE.—The United States—

6 “(aa) may reserve a non-  
7 exclusive, nontransferable, irrev-  
8 ocable, paid-up license, to have  
9 practiced for or on behalf of the  
10 United States, in connection with  
11 any intellectual property de-  
12 scribed in subclause (I); but

13 “(bb) shall not, in the exer-  
14 cise of a license reserved under  
15 item (aa), publicly disclose pro-  
16 prietary information relating to  
17 the license.

18 “(III) TRANSFER OF TITLE.—

19 Title to any intellectual property de-  
20 scribed in subclause (I) shall not be  
21 transferred or passed, except to an  
22 entity that is incorporated in the  
23 United States, until the expiration of  
24 the first patent obtained in connection  
25 with the intellectual property.

1                   “(v) AUTHORIZATION OF APPROPRIA-  
2                   TIONS.—

3                   “(I) IN GENERAL.—There is au-  
4                   thorized to be appropriated to carry  
5                   out this subparagraph \$35,000,000,  
6                   to remain available until expended.

7                   “(II) REQUIREMENT.—Research  
8                   carried out using amounts made avail-  
9                   able under subclause (I) may not du-  
10                  plicate research funded by the Depart-  
11                  ment of Energy.

12                  “(vi) TERMINATION OF AUTHORITY.—  
13                  The Board and all authority provided  
14                  under this subparagraph shall terminate  
15                  not later than 10 years after the date of  
16                  enactment of the America’s Transportation  
17                  Infrastructure Act of 2019.

18                  “(C) CARBON DIOXIDE UTILIZATION RE-  
19                  SEARCH.—

20                  “(i) DEFINITION OF CARBON DIOXIDE  
21                  UTILIZATION.—In this subparagraph, the  
22                  term ‘carbon dioxide utilization’ refers to  
23                  technologies or approaches that lead to the  
24                  use of carbon dioxide—

1           “(I) through the fixation of car-  
2           bon dioxide through photosynthesis or  
3           chemosynthesis, such as through the  
4           growing of algae or bacteria;

5           “(II) through the chemical con-  
6           version of carbon dioxide to a material  
7           or chemical compound in which the  
8           carbon dioxide is securely stored; or

9           “(III) through the use of carbon  
10          dioxide for any other purpose for  
11          which a commercial market exists, as  
12          determined by the Administrator.

13          “(ii) PROGRAM.—The Administrator,  
14          in consultation with the Secretary of En-  
15          ergy, shall carry out a research and devel-  
16          opment program for carbon dioxide utiliza-  
17          tion to promote existing and new tech-  
18          nologies that transform carbon dioxide  
19          generated by industrial processes into a  
20          product of commercial value, or as an  
21          input to products of commercial value.

22          “(iii) TECHNICAL AND FINANCIAL AS-  
23          SISTANCE.—Not later than 2 years after  
24          the date of enactment of the America’s  
25          Transportation Infrastructure Act of 2019,

1 in carrying out this subsection, the Admin-  
2 istrator, in consultation with the Secretary  
3 of Energy, shall support research and in-  
4 frastructure activities relating to carbon  
5 dioxide utilization by providing technical  
6 assistance and financial assistance in ac-  
7 cordance with clause (iv):

8 “(iv) ELIGIBILITY.—To be eligible to  
9 receive technical assistance and financial  
10 assistance under clause (iii), a carbon diox-  
11 ide utilization project shall—

12 “(I) have access to an emissions  
13 stream generated by a stationary  
14 source within the United States that  
15 is capable of supplying not less than  
16 250 metric tons per day of carbon di-  
17 oxide for research;

18 “(II) have access to adequate  
19 space for a laboratory and equipment  
20 for testing small-scale carbon dioxide  
21 utilization technologies, with onsite  
22 access to larger test bays for scale-up;  
23 and

24 “(III) have existing partnerships  
25 with institutions of higher education;

1 private companies, States, or other  
2 government entities.

3 “(v) COORDINATION.—In supporting  
4 carbon dioxide utilization projects under  
5 this paragraph, the Administrator shall  
6 consult with the Secretary of Energy, and,  
7 as appropriate, with the head of any other  
8 relevant Federal agency, States, the pri-  
9 vate sector, and institutions of higher edu-  
10 cation to develop methods and technologies  
11 to account for the carbon dioxide emissions  
12 avoided by the carbon dioxide utilization  
13 projects.

14 “(vi) AUTHORIZATION OF APPROPRIA-  
15 TIONS.—

16 “(I) IN GENERAL.—There is au-  
17 thorized to be appropriated to carry  
18 out this subparagraph \$50,000,000,  
19 to remain available until expended.

20 “(II) REQUIREMENT.—Research  
21 carried out using amounts made avail-  
22 able under subclause (I) may not du-  
23 plicate research funded by the Depart-  
24 ment of Energy.

1                   “(D) DEEP SALINE FORMATION RE-  
2                   PORT.—

3                   “(i) DEFINITION OF DEEP SALINE  
4                   FORMATION.—

5                   “(I) IN GENERAL.—In this sub-  
6                   paragraph, the term ‘deep saline for-  
7                   mation’ means a formation of sub-  
8                   surface geographically extensive sedi-  
9                   mentary rock layers saturated with  
10                  waters or brines that have a high total  
11                  dissolved solids content and that are  
12                  below the depth where carbon dioxide  
13                  can exist in the formation as a super-  
14                  critical fluid.

15                  “(II) CLARIFICATION.—In this  
16                  subparagraph, the term ‘deep saline  
17                  formation’ does not include oil and  
18                  gas reservoirs.

19                  “(ii) REPORT.—In consultation with  
20                  the Secretary of Energy, and, as appro-  
21                  priate, with the head of any other relevant  
22                  Federal agency and relevant stakeholders,  
23                  not later than 1 year after the date of en-  
24                  actment of the America’s Transportation  
25                  Infrastructure Act of 2019, the Adminis-

1           trator shall prepare, submit to Congress,  
2           and make publicly available a report that  
3           includes—

4                   “(I) a comprehensive identifica-  
5                   tion of potential risks and benefits to  
6                   project developers associated with in-  
7                   creased storage of carbon dioxide cap-  
8                   tured from stationary sources in deep  
9                   saline formations, using existing re-  
10                  search;

11                   “(II) recommendations, if any,  
12                   for managing the potential risks iden-  
13                   tified under subclause (I), including  
14                   potential risks unique to public land;  
15                   and

16                   “(III) recommendations, if any,  
17                   for Federal legislation or other policy  
18                   changes to mitigate any potential  
19                   risks identified under subclause (I).

20                   “(E) REPORT ON CARBON DIOXIDE NON-  
21                   REGULATORY STRATEGIES AND TECH-  
22                   NOLOGIES.—

23                   “(i) IN GENERAL.—Not less fre-  
24                   quently than once every 2 years, the Ad-  
25                   ministratoꝛ shall submit to the Committee

1 on Environment and Public Works of the  
2 Senate and the Committee on Energy and  
3 Commerce of the House of Representatives  
4 a report that describes—

5 “(I) the recipients of assistance  
6 under subparagraphs (B) and (C);  
7 and

8 “(II) a plan for supporting addi-  
9 tional nonregulatory strategies and  
10 technologies that could significantly  
11 prevent carbon dioxide emissions or  
12 reduce carbon dioxide levels in the air,  
13 in conjunction with other Federal  
14 agencies.

15 “(ii) INCLUSIONS.—The plan sub-  
16 mitted under clause (i) shall include—

17 “(I) a methodology for evaluating  
18 and ranking technologies based on the  
19 ability of the technologies to cost ef-  
20 fectively reduce carbon dioxide emis-  
21 sions or carbon dioxide levels in the  
22 air; and

23 “(II) a description of any nonair-  
24 related environmental or energy con-  
25 siderations regarding the technologies.

1           “(F) GAO REPORT.—The Comptroller  
2           General of the United States shall submit to  
3           Congress a report that—

4                   “(i) identifies all Federal grant pro-  
5                   grams in which a purpose of a grant under  
6                   the program is to perform research on car-  
7                   bon capture and utilization technologies;  
8                   including direct air capture technologies;  
9                   and

10                   “(ii) examines the extent to which the  
11                   Federal grant programs identified pursu-  
12                   ant to clause (i) overlap or are duplica-  
13                   tive.”.

14           (b) REPORT.—Not later than 1 year after the date  
15           of enactment of this Act, the Administrator of the Envi-  
16           ronmental Protection Agency (referred to in this sub-  
17           section as the “Administrator”) shall submit to Congress  
18           a report describing how funds appropriated to the Admin-  
19           istrator during the 5 most recent fiscal years have been  
20           used to carry out section 103 of the Clean Air Act (42  
21           U.S.C. 7403), including a description of—

22                   (1) the amount of funds used to carry out spe-  
23                   cific provisions of that section; and

24                   (2) the practices used by the Administrator to  
25                   differentiate funding used to carry out that section;

1 as compared to funding used to carry out other pro-  
 2 visions of law.

3 (c) INCLUSION OF CARBON CAPTURE INFRASTRUC-  
 4 TURE PROJECTS.—Section 41001(6) of the FAST Act (42  
 5 U.S.C. 4370m(6)) is amended—

6 (1) in subparagraph (A)—

7 (A) in the matter preceding clause (i), by  
 8 inserting “carbon capture,” after “manufac-  
 9 turing,”;

10 (B) in clause (i)(III), by striking “or” at  
 11 the end;

12 (C) by redesignating clause (ii) as clause  
 13 (iii); and

14 (D) by inserting after clause (i) the fol-  
 15 lowing:

16 “(ii) is covered by a programmatic  
 17 plan or environmental review developed for  
 18 the primary purpose of facilitating develop-  
 19 ment of carbon dioxide pipelines; or”;

20 (2) by adding at the end the following:

21 “(C) INCLUSION.—For purposes of sub-  
 22 paragraph (A), construction of infrastructure  
 23 for carbon capture includes construction of—

24 “(i) any facility, technology, or system  
 25 that captures, utilizes, or sequesters ear-

1           bon dioxide emissions, including projects  
 2           for direct air capture (as defined in para-  
 3           graph (6)(B)(i) of section 103(g) of the  
 4           Clean Air Act (42 U.S.C. 7403(g)); and  
 5           “(ii) carbon dioxide pipelines.”.

6           (d) DEVELOPMENT OF CARBON CAPTURE, UTILIZA-  
 7           TION, AND SEQUESTRATION REPORT, PERMITTING GUID-  
 8           ANCE, AND REGIONAL PERMITTING TASK FORCE.—

9           (1) DEFINITIONS.—In this subsection:

10           (A) CARBON CAPTURE, UTILIZATION, AND  
 11           SEQUESTRATION PROJECTS.—The term “carbon  
 12           capture, utilization, and sequestration projects”  
 13           includes projects for direct air capture (as de-  
 14           fined in paragraph (6)(B)(i) of section 103(g)  
 15           of the Clean Air Act (42 U.S.C. 7403(g))).

16           (B) EFFICIENT, ORDERLY, AND RESPON-  
 17           SIBLE.—The term “efficient, orderly, and re-  
 18           sponsible” means, with respect to development  
 19           or the permitting process for carbon capture,  
 20           utilization, and sequestration projects and ear-  
 21           bon dioxide pipelines, a process that is com-  
 22           pleted in an expeditious manner while maintain-  
 23           ing environmental, health, and safety protec-  
 24           tions.

25           (2) REPORT.—

1           (A) IN GENERAL.—Not later than 180  
2 days after the date of enactment of this Act,  
3 the Chair of the Council on Environmental  
4 Quality (referred to in this subsection as the  
5 “Chair”), in consultation with the Adminis-  
6 trator of the Environmental Protection Agency,  
7 the Secretary of Energy, the Secretary of the  
8 Interior, the Executive Director of the Federal  
9 Permitting Improvement Council, and the head  
10 of any other relevant Federal agency (as deter-  
11 mined by the President), shall prepare a report  
12 that—

13           (i) compiles all existing relevant Fed-  
14 eral permitting and review information and  
15 resources for project applicants, agencies,  
16 and other stakeholders interested in the  
17 deployment of carbon capture, utilization,  
18 and sequestration projects and carbon di-  
19 oxide pipelines, including—

20           (I) the appropriate points of  
21 interaction with Federal agencies;

22           (II) clarification of the permit-  
23 ting responsibilities and authorities  
24 among Federal agencies; and

1 (III) best practices and templates  
2 for permitting;

3 (ii) inventories current or emerging  
4 activities that transform captured carbon  
5 dioxide into a product of commercial value,  
6 or as an input to products of commercial  
7 value;

8 (iii) inventories existing initiatives and  
9 recent publications that analyze or identify  
10 priority carbon dioxide pipelines needed to  
11 enable efficient, orderly, and responsible  
12 development of carbon capture, utilization,  
13 and sequestration projects at increased  
14 scale;

15 (iv) identifies gaps in the current Fed-  
16 eral regulatory framework for the deploy-  
17 ment of carbon capture, utilization, and se-  
18 questration projects and carbon dioxide  
19 pipelines; and

20 (v) identifies Federal financing meech-  
21 anisms available to project developers.

22 (B) SUBMISSION; PUBLICATION.—The  
23 Chair shall—

24 (i) submit the report under subpara-  
25 graph (A) to the Committee on Environ-

1           ment and Public Works of the Senate and  
2           the Committee on Energy and Commerce  
3           of the House of Representatives; and

4           (ii) as soon as practicable, make the  
5           report publicly available.

6           ~~(3) GUIDANCE.—~~

7           ~~(A) IN GENERAL.—~~After submission of the  
8           report under paragraph ~~(2)(B)~~, but not later  
9           than 1 year after the date of enactment of this  
10          Act, the Chair shall submit guidance consistent  
11          with that report to all relevant Federal agencies  
12          that—

13           (i) facilitates reviews associated with  
14           the deployment of carbon capture, utiliza-  
15           tion, and sequestration projects and carbon  
16           dioxide pipelines; and

17           (ii) supports the efficient, orderly, and  
18           responsible development of carbon capture,  
19           utilization, and sequestration projects and  
20           carbon dioxide pipelines.

21          ~~(B) REQUIREMENTS.—~~

22           ~~(i) IN GENERAL.—~~The guidance under  
23           subparagraph ~~(A)~~ shall address require-  
24           ments under—

- 1           (I) the National Environmental  
2 Policy Act of 1969 (42 U.S.C. 4321  
3 et seq.);
- 4           (II) the Federal Water Pollution  
5 Control Act (33 U.S.C. 1251 et seq.);
- 6           (III) the Clean Air Act (42  
7 U.S.C. 7401 et seq.);
- 8           (IV) the Safe Drinking Water  
9 Act (42 U.S.C. 300f et seq.);
- 10          (V) the Endangered Species Act  
11 of 1973 (16 U.S.C. 1531 et seq.);
- 12          (VI) division A of subtitle III of  
13 title 54, United States Code (formerly  
14 known as the “National Historic  
15 Preservation Act”);
- 16          (VII) the Migratory Bird Treaty  
17 Act (16 U.S.C. 703 et seq.);
- 18          (VIII) the Act of June 8, 1940  
19 (16 U.S.C. 668 et seq.) (commonly  
20 known as the “Bald and Golden Eagle  
21 Protection Act”); and
- 22          (IX) any other Federal law that  
23 the Chair determines to be appro-  
24 priate.

1           (ii) ENVIRONMENTAL REVIEWS.—The  
2           guidance under subparagraph (A) shall in-  
3           clude direction to States and other inter-  
4           ested parties for the development of pro-  
5           grammatic environmental reviews under  
6           the National Environmental Policy Act of  
7           1969 (42 U.S.C. 4321 et seq.) for carbon  
8           capture, utilization, and sequestration  
9           projects and carbon dioxide pipelines.

10          (iii) PUBLIC INVOLVEMENT.—The  
11          guidance under subparagraph (A) shall be  
12          subject to the public notice, comment, and  
13          solicitation of information procedures  
14          under section 1506.6 of title 40, Code of  
15          Federal Regulations (or a successor regula-  
16          tion).

17          (C) SUBMISSION; PUBLICATION.—The  
18          Chair shall—

19               (i) submit the guidance under sub-  
20               paragraph (A) to the Committee on Envi-  
21               ronment and Public Works of the Senate  
22               and the Committee on Energy and Com-  
23               merce of the House of Representatives;  
24               and

1                   (ii) as soon as practicable, make the  
2                   guidance publicly available.

3                   ~~(D) EVALUATION.—~~The Chair shall—

4                   (i) periodically evaluate the reports of  
5                   the task forces under paragraph ~~(4)(E)~~  
6                   and, as necessary, revise the guidance  
7                   under subparagraph ~~(A)~~; and

8                   (ii) each year, submit to the Com-  
9                   mittee on Environment and Public Works  
10                  of the Senate, the Committee on Energy  
11                  and Commerce of the House of Represent-  
12                  atives, and relevant Federal agencies a re-  
13                  port that describes any recommendations  
14                  for legislation, rules, revisions to rules, or  
15                  other policies that would address the issues  
16                  identified by the task forces under para-  
17                  graph ~~(4)(E)~~.

18                  ~~(4) TASK FORCE.—~~

19                  ~~(A) ESTABLISHMENT.—~~Not later than 18  
20                  months after the date of enactment of this Act,  
21                  the Chair shall establish not less than 2 task  
22                  forces, which shall each cover a different geo-  
23                  graphical area with differing demographic, land  
24                  use, or geological issues—

1 (i) to identify permitting and other  
 2 challenges and successes that permitting  
 3 authorities and project developers and op-  
 4 erators face; and

5 (ii) to improve the performance of the  
 6 permitting process and regional coordina-  
 7 tion for the purpose of promoting the effi-  
 8 cient, orderly, and responsible development  
 9 of carbon capture, utilization, and seques-  
 10 tration projects and carbon dioxide pipe-  
 11 lines.

12 ~~(B) MEMBERS AND SELECTION.—~~

13 ~~(i) IN GENERAL.—The Chair shall—~~

14 ~~(I) develop criteria for the selec-~~  
 15 ~~tion of members to each task force;~~  
 16 ~~and~~

17 ~~(II) select members for each task~~  
 18 ~~force in accordance with subclause (I)~~  
 19 ~~and clause (ii).~~

20 ~~(ii) MEMBERS.—Each task force—~~

21 ~~(I) shall include not less than 1~~  
 22 ~~representative of each of—~~

23 ~~(aa) the Environmental Pro-~~  
 24 ~~tection Agency;~~

- 1                   (bb) the Department of En-  
2                   ergy;
- 3                   (cc) the Department of the  
4                   Interior;
- 5                   (dd) any other Federal  
6                   agency the Chair determines to  
7                   be appropriate;
- 8                   (ee) any State that requests  
9                   participation in the geographical  
10                  area covered by the task force;
- 11                  (ff) developers or operators  
12                  of carbon capture, utilization,  
13                  and sequestration projects or car-  
14                  bon dioxide pipelines; and
- 15                  (gg) nongovernmental mem-  
16                  bership organizations, the pri-  
17                  mary mission of which concerns  
18                  protection of the environment;  
19                  and
- 20                  (H) at the request of a Tribal or  
21                  local government, may include a rep-  
22                  resentative of—
- 23                         (aa) not less than 1 local  
24                         government in the geographical

1 area covered by the task force;  
2 and

3 (bb) not less than 1 Tribal  
4 government in the geographical  
5 area covered by the task force.

6 (C) MEETINGS.—

7 (i) IN GENERAL.—Each task force  
8 shall meet not less than twice each year.

9 (ii) JOINT MEETING.—To the max-  
10 imum extent practicable, the task forces  
11 shall meet collectively not less than once  
12 each year.

13 (D) DUTIES.—Each task force shall—

14 (i) inventory existing or potential Fed-  
15 eral and State approaches to facilitate re-  
16 views associated with the deployment of  
17 carbon capture, utilization, and sequestra-  
18 tion projects and carbon dioxide pipelines,  
19 including best practices that—

20 (I) avoid duplicative reviews;

21 (II) engage stakeholders early in  
22 the permitting process; and

23 (III) make the permitting process  
24 efficient, orderly, and responsible;

1           (ii) develop common models for State-  
2           level carbon dioxide pipeline regulation and  
3           oversight guidelines that can be shared  
4           with States in the geographical area cov-  
5           ered by the task force;

6           (iii) provide technical assistance to  
7           States in the geographical area covered by  
8           the task force in implementing regulatory  
9           requirements and any models developed  
10          under clause (ii);

11          (iv) inventory current or emerging ac-  
12          tivities that transform captured carbon di-  
13          oxide into a product of commercial value,  
14          or as an input to products of commercial  
15          value;

16          (v) identify any priority carbon diox-  
17          ide pipelines needed to enable efficient, or-  
18          derly, and responsible development of ear-  
19          bon capture, utilization, and sequestration  
20          projects at increased scale;

21          (vi) identify gaps in the current Fed-  
22          eral and State regulatory framework and  
23          in existing data for the deployment of ear-  
24          bon capture, utilization, and sequestration  
25          projects and carbon dioxide pipelines;

1           (vii) identify Federal and State fi-  
2           nancing mechanisms available to project  
3           developers; and

4           (viii) develop recommendations for rel-  
5           evant Federal agencies on how to develop  
6           and research technologies that—

7                   (I) can capture carbon dioxide;

8                   and

9                   (II) would be able to be deployed  
10                  within the region covered by the task  
11                  force, including any projects that have  
12                  received technical or financial assist-  
13                  ance for research under paragraph (6)  
14                  of section 103(g) of the Clean Air Act  
15                  (42 U.S.C. 7403(g)).

16           (E) REPORT.—Each year, each task force  
17           shall prepare and submit to the Chair and to  
18           the other task forces a report that includes—

19                   (i) any recommendations for improve-  
20                   ments in efficient, orderly, and responsible  
21                   issuance or administration of Federal per-  
22                   mits and other Federal authorizations re-  
23                   quired under a law described in paragraph  
24                   (3)(B)(i); and

1                   (ii) any other nationally relevant in-  
 2                   formation that the task force has collected  
 3                   in carrying out the duties under subpara-  
 4                   graph (D).

5                   (F) EVALUATION.—Not later than 5 years  
 6                   after the date of enactment of this Act, the  
 7                   Chair shall—

8                   (i) reevaluate the need for the task  
 9                   forces; and

10                   (ii) submit to Congress a rec-  
 11                   ommendation as to whether the task forces  
 12                   should continue.

13 **SEC. 1407. PROMOTING RESILIENT OPERATIONS FOR**  
 14 **TRANSFORMATIVE, EFFICIENT, AND COST-**  
 15 **SAVING TRANSPORTATION (PROTECT) GRANT**  
 16 **PROGRAM.**

17                   (a) IN GENERAL.—Chapter 1 of title 23, United  
 18 States Code (as amended by section 1403(a)), is amended  
 19 by adding at the end the following:

20 **“§ 179. Promoting Resilient Operations for Trans-**  
 21 **formative, Efficient, and Cost-saving**  
 22 **Transportation (PROTECT) grant pro-**  
 23 **gram**

24                   “(a) DEFINITIONS.—In this section:

1           “(1) EMERGENCY EVENT.—The term ‘emer-  
2           gency event’ means a natural disaster or cata-  
3           strophic failure resulting in—

4                   “(A) an emergency declared by the Gov-  
5                   ernor of the State in which the disaster or fail-  
6                   ure occurred; or

7                   “(B) an emergency or disaster declared by  
8                   the President.

9           “(2) EVACUATION ROUTE.—The term ‘evacu-  
10           ation route’ means a transportation route or system  
11           that—

12                   “(A) is owned, operated, or maintained by  
13                   a Federal, State, Tribal, or local government or  
14                   a private entity;

15                   “(B) is used—

16                           “(i) to transport the public away from  
17                           emergency events; or

18                           “(ii) to transport emergency respond-  
19                           ers and recovery resources; and

20                   “(C) is designated by the eligible entity  
21                   with jurisdiction over the area in which the  
22                   route is located for the purposes described in  
23                   subparagraph (B).

1           “(3) PROGRAM.—The term ‘program’ means  
2 the grant program established under subsection  
3 (b)(1).

4           “(4) RESILIENCE IMPROVEMENT.—The term  
5 ‘resilience improvement’ means the use of materials  
6 or structural or nonstructural techniques, including  
7 natural infrastructure—

8           “(A) that allow a project—

9           “(i) to better anticipate, prepare for,  
10 and adapt to changing conditions and to  
11 withstand and respond to disruptions; and

12           “(ii) to be better able to continue to  
13 serve the primary function of the project  
14 during and after weather events and nat-  
15 ural disasters for the expected life of the  
16 project; or

17           “(B) that—

18           “(i) reduce the magnitude and dura-  
19 tion of impacts of current and future  
20 weather events and natural disasters to a  
21 project; or

22           “(ii) have the absorptive capacity,  
23 adaptive capacity, and recoverability to de-  
24 crease project vulnerability to current and  
25 future weather events or natural disasters.

1 “(b) ESTABLISHMENT.—

2 “(1) IN GENERAL.—The Secretary shall estab-  
3 lish a grant program, to be known as the ‘Promoting  
4 Resilient Operations for Transformative, Efficient,  
5 and Cost-saving Transportation grant program’ or  
6 the ‘PROTECT grant program’.

7 “(2) PURPOSE.—The purpose of the program is  
8 to provide grants for resilience improvements  
9 through—

10 “(A) formula funding distributed to States;

11 “(B) competitive planning grants to enable  
12 communities to assess vulnerabilities to current  
13 and future weather events and natural disasters  
14 and changing conditions, including sea level  
15 rise, and plan infrastructure improvements and  
16 emergency response strategies to address those  
17 vulnerabilities; and

18 “(C) competitive resilience improvement  
19 grants to protect—

20 “(i) infrastructure assets by making  
21 the assets more resilient to current and fu-  
22 ture weather events and natural disasters,  
23 such as severe storms, flooding, drought,  
24 levee and dam failures, wildfire, rockslides,  
25 mudslides, sea level rise, extreme weather,

1 including extreme temperature, and earth-  
2 quakes;

3 “(ii) communities through resilience  
4 improvements and strategies that allow for  
5 the continued operation or rapid recovery  
6 of surface transportation systems that—

7 “(I) serve critical local, regional,  
8 and national needs, including evacu-  
9 ation routes; and

10 “(II) provide access or service to  
11 hospitals and other medical or emer-  
12 gency service facilities; major employ-  
13 ers, critical manufacturing centers,  
14 ports and intermodal facilities; utili-  
15 ties; and Federal facilities;

16 “(iii) coastal infrastructure, such as a  
17 tide gate, that is at long-term risk to sea  
18 level rise; and

19 “(iv) natural infrastructure that pro-  
20 tects and enhances surface transportation  
21 assets while improving ecosystem condi-  
22 tions, including culverts that ensure ade-  
23 quate flows in rivers and estuarine sys-  
24 tems.

25 “(e) FORMULA AWARDS.—

1           “(1) DISTRIBUTION OF FUNDS TO STATES.—

2                   “(A) IN GENERAL.—For each fiscal year,  
3           the Secretary shall distribute among the States  
4           the amounts made available to carry out this  
5           subsection for that fiscal year in accordance  
6           with subparagraph (B).

7                   “(B) DISTRIBUTION.—The amount for  
8           each State shall be determined by multiplying  
9           the total amount made available to carry out  
10          this subsection for the applicable fiscal year by  
11          the ratio that—

12                   “(i) the total base apportionment for  
13           the State under section 104(e); bears to

14                   “(ii) the total base apportionments for  
15           all States under section 104(e).

16          “(2) ELIGIBLE ACTIVITIES.—

17                   “(A) IN GENERAL.—Except as provided in  
18           subparagraph (B), a State shall use funds made  
19           available under paragraph (1) to carry out ac-  
20           tivities eligible under subparagraph (A), (B), or  
21           (C) of subsection (d)(4).

22                   “(B) PLANNING SET-ASIDE.—Of the  
23           amounts made available to each State under  
24           paragraph (1) for each fiscal year, not less than

1           2 percent shall be for activities described in  
2 subsection (d)(3).

3           ~~“(3) REQUIREMENTS.—~~

4                 ~~“(A) PROJECTS IN CERTAIN AREAS.—~~If a  
5 project under this subsection is carried out, in  
6 whole or in part, within a base floodplain, the  
7 State shall—

8                     ~~“(i) identify the base floodplain in~~  
9                     ~~which the project is to be located and dis-~~  
10                    ~~close that information to the Secretary;~~  
11                    ~~and~~

12                    ~~“(ii) indicate to the Secretary whether~~  
13                    ~~the State plans to implement 1 or more~~  
14                    ~~components of the risk mitigation plan~~  
15                    ~~under section 322 of the Robert T. Staf-~~  
16                    ~~ford Disaster Relief and Emergency Assist-~~  
17                    ~~ance Act (42 U.S.C. 5165) with respect to~~  
18                    ~~the area.~~

19                 ~~“(B) ELIGIBILITIES.—~~A State shall use  
20 funds made available under paragraph (1) for—

21                     ~~“(i) a highway project eligible for as-~~  
22                     ~~sistance under this title;~~

23                     ~~“(ii) a public transportation facility or~~  
24                     ~~service eligible for assistance under chapter~~  
25                     ~~53 of title 49;~~

1           “(iii) a facility or service for intercity  
2 rail passenger transportation (as defined in  
3 section 24102 of title 49); or

4           “(iv) a port facility, including a facil-  
5 ity that—

6                   “(I) connects a port to other  
7 modes of transportation;

8                   “(II) improves the efficiency of  
9 evacuations and disaster relief; or

10                   “(III) aids transportation.

11           “(C) SYSTEM RESILIENCE.—A project ear-  
12 ried out by a State with funds made available  
13 under this subsection may include the use of  
14 natural infrastructure or the construction or  
15 modification of storm surge, flood protection, or  
16 aquatic ecosystem restoration elements that are  
17 functionally connected to a transportation im-  
18 provement, such as—

19                   “(i) increasing marsh health and total  
20 area adjacent to a highway right-of-way to  
21 promote additional flood storage;

22                   “(ii) upgrades to and installing of cul-  
23 verts designed to withstand 100-year flood  
24 events;

1           “(iii) upgrades to and installation of  
2           tide gates to protect highways; and

3           “(iv) upgrades to and installation of  
4           flood gates to protect tunnel entrances.

5           “(D) FEDERAL COST SHARE.—

6           “(i) IN GENERAL.—Except as pro-  
7           vided in subsection (f)(1), the Federal  
8           share of the cost of a project carried out  
9           using funds made available under para-  
10          graph (1) shall not exceed 80 percent of  
11          the total project cost.

12          “(ii) NON-FEDERAL SHARE.—A State  
13          may use Federal funds other than Federal  
14          funds made available under this subsection  
15          to meet the non-Federal cost share re-  
16          quirement for a project under this sub-  
17          section.

18          “(E) ELIGIBLE PROJECT COSTS.—

19          “(i) IN GENERAL.—Except as pro-  
20          vided in clause (ii), eligible project costs  
21          for activities carried out by a State with  
22          funds made available under paragraph (1)  
23          may include the costs of—

24                  “(I) development phase activities;  
25                  including planning; feasibility anal-

1                   ysis, revenue forecasting, environ-  
2                   mental review, preliminary engineer-  
3                   ing and design work, and other  
4                   preconstruction activities; and

5                   “(II) construction, reconstrue-  
6                   tion, rehabilitation, and acquisition of  
7                   real property (including land related  
8                   to the project and improvements to  
9                   land), environmental mitigation, con-  
10                  struction contingencies, acquisition of  
11                  equipment directly related to improv-  
12                  ing system performance, and oper-  
13                  ational improvements.

14                  “(ii) ELIGIBLE PLANNING COSTS.—In  
15                  the case of a planning activity described in  
16                  subsection (d)(3) that is carried out by a  
17                  State with funds made available under  
18                  paragraph (1), eligible costs may include  
19                  development phase activities, including  
20                  planning, feasibility analysis, revenue fore-  
21                  casting, environmental review, preliminary  
22                  engineering and design work, other  
23                  preconstruction activities, and other activi-  
24                  ties consistent with carrying out the pur-  
25                  poses of subsection (d)(3).

1           “(F) LIMITATIONS.—In carrying out this  
2 subsection, a State—

3           “(i) may use not more than 25 per-  
4 cent of the amounts made available under  
5 this subsection for the construction of new  
6 capacity; and

7           “(ii) may use not more than 10 per-  
8 cent of the amounts made available under  
9 this subsection for activities described in  
10 subparagraph (E)(i)(I).

11       “(d) COMPETITIVE AWARDS.—

12           “(1) IN GENERAL.—In addition to funds dis-  
13 tributed to States under subsection (c)(1), the Sec-  
14 retary shall provide grants on a competitive basis  
15 under this subsection to eligible entities described in  
16 paragraph (2).

17           “(2) ELIGIBLE ENTITIES.—The Secretary may  
18 make a grant under this subsection to any of the fol-  
19 lowing:

20           “(A) A State or political subdivision of a  
21 State.

22           “(B) A metropolitan planning organiza-  
23 tion.

24           “(C) A unit of local government.

1           “(D) A special purpose district or public  
2 authority with a transportation function, includ-  
3 ing a port authority.

4           “(E) An Indian tribe (as defined in section  
5 207(m)(1)).

6           “(F) A Federal land management agency  
7 that applies jointly with a State or group of  
8 States.

9           “(G) A multi-State or multijurisdictional  
10 group of entities described in subparagraphs  
11 (A) through (F).

12           “(3) PLANNING GRANTS.—Using funds made  
13 available under this subsection, the Secretary shall  
14 provide planning grants to eligible entities for the  
15 purpose of—

16           “(A) in the case of a State or metropolitan  
17 planning organization, developing a resilience  
18 improvement plan under subsection (f)(2);

19           “(B) resilience planning, predesign, design,  
20 or the development of data tools to simulate  
21 transportation disruption scenarios, including  
22 vulnerability assessments;

23           “(C) technical capacity building by the eli-  
24 gible entity to facilitate the ability of the eligi-  
25 ble entity to assess the vulnerabilities of the in-

1           frrastructure assets and community response  
 2           strategies of the eligible entity under current  
 3           conditions and a range of potential future con-  
 4           ditions; or

5           “(D) evacuation planning and preparation.

6           “(4) RESILIENCE GRANTS.—

7           “(A)       RESILIENCE       IMPROVEMENT  
 8           GRANTS.—

9           “(i) IN GENERAL.—Using funds made  
 10          available under this subsection, the Sec-  
 11          retary shall provide resilience improvement  
 12          grants to eligible entities to carry out 1 or  
 13          more eligible activities under clause (ii).

14          “(ii) ELIGIBLE ACTIVITIES.—

15          “(I) IN GENERAL.—An eligible  
 16          entity may use a resilience improve-  
 17          ment grant under this subparagraph  
 18          for 1 or more construction activities  
 19          to enable an existing surface transpor-  
 20          tation infrastructure asset to with-  
 21          stand 1 or more elements of a weather  
 22          event or natural disaster, or to in-  
 23          crease the resilience of surface trans-  
 24          portation infrastructure from the im-  
 25          pacts of changing conditions, such as

1 sea level rise, flooding, extreme weath-  
2 er events, and other natural disasters.

3 “(H) INCLUSIONS.—An activity  
4 eligible to be carried out under this  
5 subparagraph includes—

6 “(aa) resurfacing, restora-  
7 tion, rehabilitation, reconstruc-  
8 tion, replacement, improvement,  
9 or realignment of an existing sur-  
10 face transportation facility eligi-  
11 ble for assistance under this title;

12 “(bb) the incorporation of  
13 natural infrastructure;

14 “(cc) the upgrade of an ex-  
15 isting surface transportation fa-  
16 cility to meet or exceed Federal  
17 Highway Administration ap-  
18 proved design standards;

19 “(dd) the installation of  
20 mitigation measures that prevent  
21 the intrusion of floodwaters into  
22 surface transportation systems;

23 “(ee) strengthening systems  
24 that remove rainwater from sur-  
25 face transportation facilities;

1           “(ff) a resilience project that  
2 addresses                   identified  
3 vulnerabilities described in the  
4 resilience improvement plan of  
5 the eligible entity, if applicable;

6           “(gg) relocating roadways in  
7 a base floodplain to higher  
8 ground above projected flood ele-  
9 vation levels, or away from slide  
10 prone areas;

11           “(hh) stabilizing slide areas  
12 or slopes;

13           “(ii) installing riprap;

14           “(jj) lengthening or raising  
15 bridges to increase waterway  
16 openings, including to respond to  
17 extreme weather;

18           “(kk) deepening channels to  
19 prevent flooding;

20           “(ll) increasing the size or  
21 number of drainage structures;

22           “(mm) installing seismic ret-  
23 rofits on bridges;

24           “(nn) adding scour protec-  
25 tion at bridges;

1           “(oo) adding scour, stream  
2 stability, coastal, and other hy-  
3 draulic countermeasures, includ-  
4 ing spur dikes; and

5           “(pp) any other protective  
6 features, including natural infra-  
7 structure, as determined by the  
8 Secretary.

9           “(iii) PRIORITY.—The Secretary shall  
10 prioritize a resilience improvement grant to  
11 an eligible entity if—

12           “(I) the Secretary determines—

13           “(aa) the benefits of the eli-  
14 gible activity proposed to be ear-  
15 ried out by the eligible entity ex-  
16 ceed the costs of the activity; and

17           “(bb) there is a need to ad-  
18 dress the vulnerabilities of infra-  
19 structure assets of the eligible  
20 entity with a high risk of, and  
21 impacts associated with, failure  
22 due to the impacts of weather  
23 events, natural disasters, or  
24 changing conditions, such as sea

1 level rise and increased flood  
2 risk; or

3 ~~“(H) the eligible activity pro-~~  
4 ~~posed to be carried out by the eligible~~  
5 ~~entity is included in the applicable re-~~  
6 ~~silience improvement plan under sub-~~  
7 ~~section (f)(2).~~

8 ~~“(B) COMMUNITY RESILIENCE AND EVAC-~~  
9 ~~UATION ROUTE GRANTS.—~~

10 ~~“(i) IN GENERAL.—Using funds made~~  
11 ~~available under this subsection, the Sec-~~  
12 ~~retary shall provide community resilience~~  
13 ~~and evacuation route grants to eligible en-~~  
14 ~~tities to carry out 1 or more eligible activi-~~  
15 ~~ties under clause (ii).~~

16 ~~“(ii) ELIGIBLE ACTIVITIES.—An eligi-~~  
17 ~~ble entity may use a community resilience~~  
18 ~~and evacuation route grant under this sub-~~  
19 ~~paragraph for 1 or more projects that~~  
20 ~~strengthen and protect evacuation routes~~  
21 ~~that are essential for providing and sup-~~  
22 ~~porting evacuations caused by emergency~~  
23 ~~events, including a project that—~~

24 ~~“(I) is an eligible activity under~~  
25 ~~subparagraph (A)(ii), if that eligible~~

1 activity will improve an evacuation  
2 route;

3 “(II) ensures the ability of the  
4 evacuation route to provide safe pas-  
5 sage during an evacuation and re-  
6 duces the risk of damage to evacu-  
7 ation routes as a result of future  
8 emergency events, including restoring  
9 or replacing existing evacuation routes  
10 that are in poor condition or not de-  
11 signed to meet the anticipated de-  
12 mand during an emergency event, and  
13 including steps to protect routes from  
14 mud, rock, or other debris slides;

15 “(III) if the Secretary determines  
16 that existing evacuation routes are not  
17 sufficient to adequately facilitate evae-  
18 uations, including the transportation  
19 of emergency responders and recovery  
20 resources, expands the capacity of  
21 evacuation routes to swiftly and safely  
22 accommodate evacuations, including  
23 installation of—

1                   “(aa) communications and  
2 intelligent transportation system  
3 equipment and infrastructure;  
4                   “(bb) counterflow measures;  
5 or  
6                   “(cc) shoulders;  
7                   “(IV) is for the construction of—  
8                   “(aa) new or redundant  
9 evacuation routes; if the Sec-  
10 retary determines that existing  
11 evacuation routes are not suffi-  
12 cient to adequately facilitate  
13 evacuations, including the trans-  
14 portation of emergency respond-  
15 ers and recovery resources; or  
16                   “(bb) sheltering facilities  
17 that are functionally connected to  
18 an eligible project;  
19                   “(V) is for the acquisition of  
20 evacuation route or traffic incident  
21 management equipment, vehicles, or  
22 signage; or  
23                   “(VI) will ensure access or serv-  
24 ice to critical destinations, including  
25 hospitals and other medical or emer-

1 agency service facilities, major employ-  
2 ers, critical manufacturing centers,  
3 ports and intermodal facilities, utili-  
4 ties, and Federal facilities.

5 “(iii) PRIORITY.—The Secretary shall  
6 prioritize community resilience and evacu-  
7 ation route grants under this subpara-  
8 graph for eligible activities that are cost-ef-  
9 fective, as determined by the Secretary,  
10 taking into account—

11 “(I) current and future  
12 vulnerabilities to an evacuation route  
13 due to future occurrence or recurrence  
14 of emergency events that are likely to  
15 occur in the geographic area in which  
16 the evacuation route is located; and

17 “(II) projected changes in devel-  
18 opment patterns, demographics, and  
19 extreme weather events based on the  
20 best available evidence and analysis.

21 “(iv) CONSULTATION.—In providing  
22 grants for community resilience and evacu-  
23 ation routes under this subparagraph, the  
24 Secretary shall consult with the Adminis-  
25 trator of the Federal Emergency Manage-

1           ment Agency, who shall provide technical  
2           assistance to the Secretary and to eligible  
3           entities.

4           “(C) AT-RISK COASTAL INFRASTRUCTURE  
5           GRANTS.—

6           “(i) DEFINITION OF COASTAL  
7           STATE.—In this subparagraph, the term  
8           ‘coastal State’ means—

9                   “(I) a State in, or bordering on,  
10                   the Atlantic, Pacific, or Arctic Ocean,  
11                   the Gulf of Mexico, Long Island  
12                   Sound, or 1 or more of the Great  
13                   Lakes;

14                   “(II) the United States Virgin Is-  
15                   lands;

16                   “(III) Guam;

17                   “(IV) American Samoa; and

18                   “(V) the Commonwealth of the  
19                   Northern Mariana Islands.

20           “(ii) GRANTS.—Using funds made  
21           available under this subsection, the Sec-  
22           retary shall provide at-risk coastal infra-  
23           structure grants to eligible entities in  
24           coastal States to carry out 1 or more eligi-  
25           ble activities under clause (iii).

1           “(iii) ELIGIBLE ACTIVITIES.—An eli-  
2           gible entity may use an at-risk coastal in-  
3           frastructure grant under this subpara-  
4           graph for strengthening, stabilizing, hard-  
5           ening, elevating, relocating, or otherwise  
6           enhancing the resilience of highway and  
7           non-rail infrastructure, including bridges,  
8           roads, pedestrian walkways, and bicycle  
9           lanes, and associated infrastructure, such  
10          as culverts and tide gates, that are subject  
11          to, or face increased long-term future risks  
12          of, a weather event, a natural disaster, or  
13          changing conditions, including coastal  
14          flooding, coastal erosion, wave action,  
15          storm surge, or sea level rise, in order to  
16          improve transportation and public safety  
17          and to reduce costs by avoiding larger fu-  
18          ture maintenance or rebuilding costs.

19          “(iv) CRITERIA.—The Secretary shall  
20          provide at-risk coastal infrastructure  
21          grants under this subparagraph for a  
22          project—

23                  “(I) that addresses the risks  
24                  from a current or future weather  
25                  event or natural disaster, including

1 coastal flooding; coastal erosion; wave  
2 action; storm surge; or sea level  
3 change; and

4 “(H) that reduces long-term in-  
5 frastructure costs by avoiding larger  
6 future maintenance or rebuilding  
7 costs.

8 “(v) COASTAL BENEFITS.—In addi-  
9 tion to the criteria under clause (iv), for  
10 the purpose of providing at-risk coastal in-  
11 frastructure grants under this subpara-  
12 graph, the Secretary shall evaluate the ex-  
13 tent to which a project will provide—

14 “(I) access to coastal homes,  
15 businesses, communities, and other  
16 critical infrastructure, including ac-  
17 cess by first responders and other  
18 emergency personnel; or

19 “(II) access to a designated evae-  
20 uation route.

21 “(5) GRANT REQUIREMENTS.—

22 “(A) SOLICITATIONS FOR GRANTS.—In  
23 providing grants under this subsection, the Sec-  
24 retary shall conduct a transparent and competi-  
25 tive national solicitation process to select eligi-

1 ble projects to receive grants under paragraph  
2 (3) and subparagraphs (A), (B), and (C) of  
3 paragraph (4).

4 “(B) APPLICATIONS.—

5 “(i) IN GENERAL.—To be eligible to  
6 receive a grant under paragraph (3) or  
7 subparagraph (A), (B), or (C) of para-  
8 graph (4), an eligible entity shall submit to  
9 the Secretary an application in such form,  
10 at such time, and containing such informa-  
11 tion as the Secretary determines to be nec-  
12 essary.

13 “(ii) PROJECTS IN CERTAIN AREAS.—

14 If a project is proposed to be carried out  
15 by the eligible entity, in whole or in part,  
16 within a base floodplain, the eligible entity  
17 shall—

18 “(I) as part of the application,  
19 identify the floodplain in which the  
20 project is to be located and disclose  
21 that information to the Secretary; and

22 “(II) indicate in the application  
23 whether, if selected, the eligible entity  
24 will implement 1 or more components  
25 of the risk mitigation plan under sec-

1                   tion 322 of the Robert T. Stafford  
2                   Disaster Relief and Emergency Assist-  
3                   ance Act (42 U.S.C. 5165) with re-  
4                   spect to the area.

5                   “(C) ELIGIBILITIES.—The Secretary may  
6                   make a grant under paragraph (3) or subpara-  
7                   graph (A), (B), or (C) of paragraph (4) only  
8                   for—

9                   “(i) a highway project eligible for as-  
10                  sistance under this title;

11                  “(ii) a public transportation facility or  
12                  service eligible for assistance under chapter  
13                  53 of title 49;

14                  “(iii) a facility or service for intercity  
15                  rail passenger transportation (as defined in  
16                  section 24102 of title 49); or

17                  “(iv) a port facility, including a facil-  
18                  ity that—

19                         “(I) connects a port to other  
20                         modes of transportation;

21                         “(II) improves the efficiency of  
22                         evacuations and disaster relief; or

23                         “(III) aids transportation.

24                   “(D) SYSTEM RESILIENCE.—A project for  
25                   which a grant is provided under paragraph (3)

1 or subparagraph (A), (B), or (C) of paragraph  
 2 (4) may include the use of natural infrastruc-  
 3 ture or the construction or modification of  
 4 storm surge, flood protection, or aquatic eco-  
 5 system restoration elements that the Secretary  
 6 determines are functionally connected to a  
 7 transportation improvement, such as—

8 “(i) increasing marsh health and total  
 9 area adjacent to a highway right-of-way to  
 10 promote additional flood storage;

11 “(ii) upgrades to and installing of cul-  
 12 verts designed to withstand 100-year flood  
 13 events;

14 “(iii) upgrades to and installation of  
 15 tide gates to protect highways; and

16 “(iv) upgrades to and installation of  
 17 flood gates to protect tunnel entrances.

18 “(E) FEDERAL COST SHARE.—

19 “(i) PLANNING GRANT.—The Federal  
 20 share of the cost of a planning activity ear-  
 21 ried out using a planning grant under  
 22 paragraph (3) shall be 100 percent.

23 “(ii) RESILIENCE GRANTS.—

24 “(I) IN GENERAL.—Except as  
 25 provided in subclause (II) and sub-

1 section (f)(1), the Federal share of  
2 the cost of a project carried out using  
3 a grant under subparagraph (A), (B),  
4 or (C) of paragraph (4) shall not ex-  
5 ceed 80 percent of the total project  
6 cost.

7 “(H) TRIBAL PROJECTS.—On  
8 the determination of the Secretary,  
9 the Federal share of the cost of a  
10 project carried out using a grant  
11 under subparagraph (A), (B), or (C)  
12 of paragraph (4) by an Indian tribe  
13 (as defined in section 207(m)(1)) may  
14 be up to 100 percent.

15 “(iii) NON-FEDERAL SHARE.—The eli-  
16 gible entity may use Federal funds other  
17 than Federal funds provided under this  
18 subsection to meet the non-Federal cost  
19 share requirement for a project carried out  
20 with a grant under this subsection.

21 “(F) ELIGIBLE PROJECT COSTS.—

22 “(i) RESILIENCE GRANT PROJECTS.—  
23 Eligible project costs for activities funded  
24 with a grant under subparagraph (A), (B),

1 or (C) of paragraph (4) may include the  
2 costs of—

3 “(I) development phase activities,  
4 including planning, feasibility anal-  
5 ysis, revenue forecasting, environ-  
6 mental review, preliminary engineer-  
7 ing and design work, and other  
8 preconstruction activities; and

9 “(II) construction, reconstruc-  
10 tion, rehabilitation, and acquisition of  
11 real property (including land related  
12 to the project and improvements to  
13 land), environmental mitigation, con-  
14 struction contingencies, acquisition of  
15 equipment directly related to improv-  
16 ing system performance, and oper-  
17 ational improvements.

18 “(ii) PLANNING GRANTS.—Eligible  
19 project costs for activities funded with a  
20 grant under paragraph (3) may include the  
21 costs of development phase activities, in-  
22 cluding planning, feasibility analysis, rev-  
23 enue forecasting, environmental review,  
24 preliminary engineering and design work,  
25 other preconstruction activities, and other

1 activities consistent with carrying out the  
2 purposes of that paragraph.

3 “(G) LIMITATIONS.—An eligible entity  
4 that receives a grant under subparagraph (A),  
5 (B), or (C) of paragraph (4)—

6 “(i) may use not more than 25 per-  
7 cent of the amount of the grant for the  
8 construction of new capacity; and

9 “(ii) may use not more than 10 per-  
10 cent of the amount of the grant for activi-  
11 ties described in subparagraph (F)(i)(I).

12 “(H) DISTRIBUTION OF GRANTS.—

13 “(i) IN GENERAL.—Subject to the  
14 availability of funds, an eligible entity may  
15 request and the Secretary may distribute  
16 funds for a grant under this subsection on  
17 a multiyear basis, as the Secretary deter-  
18 mines to be necessary.

19 “(ii) RURAL SET-ASIDE.—Of the  
20 amounts made available to carry out this  
21 subsection for each fiscal year, the Sec-  
22 retary shall use not less than 25 percent  
23 for grants for projects located in areas  
24 that are outside an urbanized area with a  
25 population of over 200,000.

1           ~~“(iii) TRIBAL SET-ASIDE.—Of the~~  
2           amounts made available to carry out this  
3           subsection for each fiscal year, the Sec-  
4           retary shall use not less than 2 percent for  
5           grants to Indian tribes (as defined in sec-  
6           tion 207(m)(1)).

7           ~~“(iv) REALLOCATION.—For any fiscal~~  
8           year, if the Secretary determines that the  
9           amount described in clause (ii) or (iii) will  
10          not be fully utilized for the grant described  
11          in that clause, the Secretary may reallocate  
12          the unutilized funds to provide grants to  
13          other eligible entities under this subsection.

14          ~~“(e) CONSULTATION.—In carrying out the program,~~  
15          the Secretary shall—

16                 ~~“(1) consult with the Assistant Secretary of the~~  
17                 Army for Civil Works, the Administrator of the En-  
18                 vironmental Protection Agency, the Secretary of the  
19                 Interior, and the Secretary of Commerce; and

20                 ~~“(2) solicit technical support from the Adminis-~~  
21                 trator of the Federal Emergency Management Agen-  
22                 cy.

23          ~~“(f) RESILIENCE IMPROVEMENT PLAN AND LOWER~~  
24          NON-FEDERAL SHARE.—

25                 ~~“(1) FEDERAL SHARE REDUCTIONS.—~~

1           “(A) IN GENERAL.—A State that receives  
2 funds under subsection (e) or an eligible entity  
3 that receives a grant under subsection (d) shall  
4 have the non-Federal share of a project carried  
5 out with the funds or grant, as applicable, re-  
6 duced by an amount described in subparagraph  
7 (B) if the State or eligible entity meets the ap-  
8 plicable requirements under that subparagraph.

9           “(B) AMOUNT OF REDUCTIONS.—

10           “(i) RESILIENCE IMPROVEMENT  
11 PLAN.—Subject to clause (iii), the amount  
12 of the non-Federal share of the costs of a  
13 project carried out with funds under sub-  
14 section (e) or a grant under subsection (d)  
15 shall be reduced by 7 percentage points  
16 if—

17           “(I) in the case of a State or an  
18 eligible entity that is a State or a  
19 metropolitan planning organization,  
20 the State or eligible entity has—

21           “(aa) developed a resilience  
22 improvement plan in accordance  
23 with this subsection; and

1                   “(bb) prioritized the project  
2                   on that resilience improvement  
3                   plan; and

4                   “(H) in the case of an eligible en-  
5                   tity not described in subclause (I), the  
6                   eligible entity is located in a State or  
7                   an area served by a metropolitan  
8                   planning organization that has—

9                   “(aa) developed a resilience  
10                  improvement plan in accordance  
11                  with this subsection; and

12                  “(bb) prioritized the project  
13                  on that resilience improvement  
14                  plan.

15                  “(ii) INCORPORATION OF RESILIENCE  
16                  IMPROVEMENT PLAN IN OTHER PLAN-  
17                  NING.—Subject to clause (iii), the amount  
18                  of the non-Federal share of the cost of a  
19                  project carried out with funds under sub-  
20                  section (e) or a grant under subsection (d)  
21                  shall be reduced by 3 percentage points  
22                  if—

23                  “(I) in the case of a State or an  
24                  eligible entity that is a State or a  
25                  metropolitan planning organization;

1 the resilience improvement plan devel-  
2 oped in accordance with this sub-  
3 section has been incorporated into the  
4 metropolitan transportation plan  
5 under section 134 or the long-range  
6 statewide transportation plan under  
7 section 135, as applicable; and

8 “(II) in the case of an eligible en-  
9 tity not described in subclause (I), the  
10 eligible entity is located in a State or  
11 an area served by a metropolitan  
12 planning organization that incor-  
13 porated a resilience improvement plan  
14 into the metropolitan transportation  
15 plan under section 134 or the long-  
16 range statewide transportation plan  
17 under section 135, as applicable.

18 “(iii) LIMITATIONS.—

19 “(I) MAXIMUM REDUCTION.—A  
20 State or eligible entity may not receive  
21 a reduction under this paragraph of  
22 more than 10 percentage points for  
23 any single project carried out with  
24 funds under subsection (c) or a grant  
25 under subsection (d).

1                   “(H) NO NEGATIVE NON-FED-  
2                   ERAL SHARE.—A reduction under this  
3                   paragraph shall not reduce the non-  
4                   Federal share of the costs of a project  
5                   carried out with funds under sub-  
6                   section (e) or a grant under sub-  
7                   section (d) to an amount that is less  
8                   than zero.

9                   “(2) PLAN CONTENTS.—A resilience improve-  
10                  ment plan referred to in paragraph (1)—

11                   “(A) shall be for the immediate and long-  
12                   range planning activities and investments of the  
13                   State or metropolitan planning organization  
14                   with respect to resilience;

15                   “(B) shall demonstrate a systemic ap-  
16                   proach to transportation system resilience and  
17                   be consistent with and complementary of the  
18                   State and local mitigation plans required under  
19                   section 322 of the Robert T. Stafford Disaster  
20                   Relief and Emergency Assistance Act (42  
21                   U.S.C. 5165);

22                   “(C) shall—

23                   “(i) include a risk-based assessment  
24                   of vulnerabilities of transportation assets  
25                   and systems to current and future weather

1 events and natural disasters, such as se-  
2 vere storms, flooding, drought, levee and  
3 dam failures, wildfire, rockslides,  
4 mudslides, sea level rise, extreme weather,  
5 including extreme temperatures, and earth-  
6 quakes;

7 “(ii) designate evacuation routes and  
8 strategies, including multimodal facilities,  
9 designated with consideration for individ-  
10 uals without access to personal vehicles;

11 “(iii) plan for response to anticipated  
12 emergencies, including plans for the mobil-  
13 ity of—

14 “(I) emergency response per-  
15 sonnel and equipment; and

16 “(II) access to emergency serv-  
17 ices, including for vulnerable or dis-  
18 advantaged populations;

19 “(iv) describe the resilience improve-  
20 ment policies, including strategies, land-use  
21 and zoning changes, investments in natural  
22 infrastructure, or performance measures  
23 that will inform the transportation invest-  
24 ment decisions of the State or metropolitan

1 planning organization with the goal of in-  
2 creasing resilience;

3 “(v) include an investment plan  
4 that—

5 “(I) includes a list of priority  
6 projects; and

7 “(II) describes how funds pro-  
8 vided by a grant under the program  
9 would be invested and matched, which  
10 shall not be subject to fiscal con-  
11 straint requirements; and

12 “(vi) use science and data and indi-  
13 cate the source of data and methodologies;  
14 and

15 “(D) shall, as appropriate—

16 “(i) include a description of how the  
17 plan will improve the ability of the State or  
18 metropolitan planning organization—

19 “(I) to respond promptly to the  
20 impacts of weather events and natural  
21 disasters; and

22 “(II) to be prepared for changing  
23 conditions, such as sea level rise and  
24 increased flood risk;

1           “(ii) describe the codes, standards,  
2           and regulatory framework, if any, adopted  
3           and enforced to ensure resilience improve-  
4           ments within the impacted area of pro-  
5           posed projects included in the resilience  
6           improvement plan;

7           “(iii) consider the benefits of com-  
8           bining hard infrastructure assets, and nat-  
9           ural infrastructure, through coordinated  
10          efforts by the Federal Government and the  
11          States;

12          “(iv) assess the resilience of other  
13          community assets, including buildings and  
14          housing, emergency management assets,  
15          and energy, water, and communication in-  
16          frastructure;

17          “(v) use a long-term planning period;  
18          and

19          “(vi) include such other information  
20          as the eligible entity considers appropriate.

21          “(3) NO NEW PLANNING REQUIREMENTS.—

22          Nothing in this section requires a metropolitan plan-  
23          ning organization or a State to develop a resilience  
24          improvement plan or to include a resilience improve-  
25          ment plan under the metropolitan transportation

1 plan under section 134 or the long-range statewide  
2 transportation plan under section 135, as applicable;  
3 of the metropolitan planning organization or State.

4 “(g) MONITORING.—

5 “(1) IN GENERAL.—Not later than 18 months  
6 after the date of enactment of this section, the Sec-  
7 retary, in consultation with the officials described in  
8 subsection (e), shall—

9 “(A) establish, for the purpose of evalu-  
10 ating the effectiveness and impacts of projects  
11 carried out under the program—

12 “(i) subject to paragraph (2), trans-  
13 portation and any other metrics as the  
14 Secretary determines to be necessary; and

15 “(ii) procedures for monitoring and  
16 evaluating projects based on those metrics;  
17 and

18 “(B) select a representative sample of  
19 projects to evaluate based on the metrics and  
20 procedures established under subparagraph (A).

21 “(2) NOTICE.—Before adopting any metrics de-  
22 scribed in paragraph (1), the Secretary shall—

23 “(A) publish the proposed metrics in the  
24 Federal Register; and

1           “(B) provide to the public an opportunity  
2           for comment on the proposed metrics.

3           “(h) REPORTS.—

4           “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not  
5           later than 1 year after the date on which a project  
6           carried out under the program is completed, the en-  
7           tity that carried out the project shall submit to the  
8           Secretary a report on the results of the project and  
9           the use of the funds received under the program.

10          “(2) REPORTS TO CONGRESS.—

11           “(A) ANNUAL REPORTS.—The Secretary  
12           shall submit to Congress, and publish on the  
13           website of the Department of Transportation,  
14           an annual report that describes the implemen-  
15           tation of the program during the preceding cal-  
16           endar year, including—

17           “(i) each project for which a grant  
18           was provided under the program;

19           “(ii) information relating to project  
20           applications received;

21           “(iii) the manner in which the con-  
22           sultation requirements were implemented  
23           under this section;

24           “(iv) recommendations to improve the  
25           administration of the program, including

1           whether assistance from additional or  
2           fewer agencies to carry out the program is  
3           appropriate;

4           “(v) the period required to disburse  
5           grant funds to recipients based on applica-  
6           ble Federal coordination requirements; and

7           “(vi) a list of facilities that repeatedly  
8           require repair or reconstruction due to  
9           emergency events.

10          “(B) FINAL REPORT.—Not later than 5  
11          years after the date of enactment of the Amer-  
12          ica’s Transportation Infrastructure Act of  
13          2019, the Secretary shall submit to Congress a  
14          report that includes the results of the reports  
15          submitted under subparagraph (A).

16          “(i) ADMINISTRATIVE EXPENSES.—The Secretary  
17          shall use not more than 5 percent of the amounts made  
18          available to carry out the program for each fiscal year for  
19          the costs of administering the program, including moni-  
20          toring and evaluation under subsection (g).”.

21          (b) CLERICAL AMENDMENT.—The analysis for chap-  
22          ter 1 of title 23, United States Code (as amended by sec-  
23          tion 1403(b)), is amended by inserting after the item re-  
24          lating to section 178 the following:

“179. Promoting Resilient Operations for Transformative, Efficient, and Cost-  
saving Transportation (PROTECT) grant program”.

1 **SEC. 1408. DIESEL EMISSIONS REDUCTION.**

2 (a) **REAUTHORIZATION OF DIESEL EMISSIONS RE-**  
 3 **DUCTION PROGRAM.**—Section 797(a) of the Energy Policy  
 4 Act of 2005 (42 U.S.C. 16137(a)) is amended by striking  
 5 “2016” and inserting “2024”.

6 (b) **RECOGNIZING DIFFERENCES IN DIESEL VEHI-**  
 7 **CLE, ENGINE, EQUIPMENT, AND FLEET USE.**—

8 (1) **NATIONAL GRANT, REBATE, AND LOAN PRO-**  
 9 **GRAMS.**—Section 792(e)(4)(D) of the Energy Policy  
 10 Act of 2005 (42 U.S.C. 16132(e)(4)(D)) is amended  
 11 by inserting “, recognizing differences in typical ve-

12 hicle, engine, equipment, and fleet use throughout

13 the United States” before the semicolon.

14 (2) **STATE GRANT, REBATE, AND LOAN PRO-**  
 15 **GRAMS.**—Section 793(b)(1) of the Energy Policy Act  
 16 of 2005 (42 U.S.C. 16133(b)(1)) is amended—

17 (A) in subparagraph (B), by striking “,  
 18 and” and inserting a semicolon; and

19 (B) by adding at the end the following:

20 “(D) the recognition, for purposes of im-

21 plementing this section, of differences in typical

22 vehicle, engine, equipment, and fleet use

23 throughout the United States, including ex-

24 pected useful life; and”.

25 (c) **REALLOCATION OF UNUSED STATE FUNDS.**—  
 26 Section 793(e)(2)(C) of the Energy Policy Act of 2005

1 (~~42 U.S.C. 16133(c)(2)(C)~~) is amended beginning in the  
2 matter preceding clause (i) by striking “to each remain-  
3 ing” and all that follows through “this paragraph” in  
4 clause (ii) and inserting “to carry out section 792”.

## 5 **Subtitle E—Miscellaneous**

### 6 **SEC. 1501. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST** 7 **FUND.**

8 (a) **IN GENERAL.**—Section 105 of title 23, United  
9 States Code, is repealed.

10 (b) **CLERICAL AMENDMENT.**—The analysis for chap-  
11 ter 1 of title 23, United States Code, is amended by strik-  
12 ing the item relating to section 105.

### 13 **SEC. 1502. STOPPING THREATS ON PEDESTRIANS.**

14 (a) **DEFINITION OF BOLLARD INSTALLATION**  
15 **PROJECT.**—In this section, the term “bollard installation  
16 project” means a project to install raised concrete or metal  
17 posts on a sidewalk adjacent to a roadway that are de-  
18 signed to slow or stop a motor vehicle.

19 (b) **ESTABLISHMENT.**—Not later than 1 year after  
20 the date of enactment of this Act and subject to the avail-  
21 ability of appropriations, the Secretary shall establish and  
22 carry out a competitive grant pilot program to provide as-  
23 sistance to local government entities for bollard installa-  
24 tion projects designed to prevent pedestrian injuries and

1 acts of terrorism in areas used by large numbers of pedes-  
2 trians.

3 (c) APPLICATION.—To be eligible to receive a grant  
4 under this section, a local government entity shall submit  
5 to the Secretary an application at such time, in such form,  
6 and containing such information as the Secretary deter-  
7 mines to be appropriate, which shall include, at a min-  
8 imum—

9 (1) a description of the proposed bollard instal-  
10 lation project to be carried out;

11 (2) a description of the pedestrian injury or ter-  
12 rorism risks with respect to the proposed installation  
13 area; and

14 (3) an analysis of how the proposed bollard in-  
15 stallation project will mitigate those risks.

16 (d) USE OF FUNDS.—A recipient of a grant under  
17 this section may only use the grant funds for a bollard  
18 installation project.

19 (e) FEDERAL SHARE.—The Federal share of the  
20 costs of a bollard installation project carried out with a  
21 grant under this section may be up to 100 percent.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to the Secretary to carry  
24 out this section \$5,000,000 for each of fiscal years 2021  
25 through 2025.

1 **SEC. 1503. TRANSFER AND SALE OF TOLL CREDITS.**

2 (a) **DEFINITIONS.**—In this section:

3 (1) **ORIGINATING STATE.**—The term “origi-  
4 nating State” means a State that—

5 (A) is eligible to use a credit under section  
6 120(i) of title 23, United States Code; and

7 (B) has been selected by the Secretary  
8 under subsection (d)(2).

9 (2) **PILOT PROGRAM.**—The term “pilot pro-  
10 gram” means the pilot program established under  
11 subsection (b).

12 (3) **RECIPIENT STATE.**—The term “recipient  
13 State” means a State that receives a credit by trans-  
14 fer or by sale under this section from an originating  
15 State.

16 (4) **STATE.**—The term “State” has the mean-  
17 ing given the term in section 101(a) of title 23,  
18 United States Code.

19 (b) **ESTABLISHMENT OF PILOT PROGRAM.**—The Sec-  
20 retary shall establish and implement a toll credit exchange  
21 pilot program in accordance with this section.

22 (c) **PURPOSES.**—The purposes of the pilot program  
23 are—

24 (1) to identify the extent of the demand to pur-  
25 chase toll credits;

1           (2) to identify the cash price of toll credits  
2 through bilateral transactions between States;

3           (3) to analyze the impact of the purchase or  
4 sale of toll credits on transportation expenditures;

5           (4) to test the feasibility of expanding the pilot  
6 program to allow all States to participate on a per-  
7 manent basis; and

8           (5) to identify any other repercussions of the  
9 toll credit exchange.

10 (d) SELECTION OF ORIGINATING STATES.—

11           (1) APPLICATION.—In order to participate in  
12 the pilot program as an originating State, a State  
13 shall submit to the Secretary an application at such  
14 time, in such manner, and containing such informa-  
15 tion as the Secretary may require, including, at a  
16 minimum, such information as is required for the  
17 Secretary to verify—

18           (A) the amount of unused toll credits for  
19 which the State has submitted certification to  
20 the Secretary that are available to be sold or  
21 transferred under the pilot program, includ-  
22 ing—

23           (i) toll revenue generated and the  
24 sources of that revenue;

1           (ii) toll revenue used by public, quasi-  
2           public, and private agencies to build, im-  
3           prove, or maintain highways, bridges, or  
4           tunnels that serve the public purpose of  
5           interstate commerce; and

6           (iii) an accounting of any Federal  
7           funds used by the public, quasi-public, or  
8           private agency to build, improve, or main-  
9           tain the toll facility; to validate that the  
10          credit has been reduced by a percentage  
11          equal to the percentage of the total cost of  
12          building, improving, or maintaining the fa-  
13          cility that was derived from Federal funds;

14          (B) the documentation of maintenance of  
15          effort for toll credits earned by the originating  
16          State; and

17          (C) the accuracy of the accounting system  
18          of the State to earn and track toll credits.

19          (2) SELECTION.—Of the States that submit an  
20          application under paragraph (1), the Secretary may  
21          select not more than 10 States to be designated as  
22          an originating State.

23          (3) LIMITATION ON SALES.—At any time, the  
24          Secretary may limit the amount of unused toll cred-

1 its that may be offered for sale under the pilot pro-  
2 gram.

3 (c) TRANSFER OR SALE OF CREDITS.—

4 (1) IN GENERAL.—In carrying out the pilot  
5 program, the Secretary shall provide that an origi-  
6 nating State may transfer or sell to a recipient State  
7 a credit not previously used by the originating State  
8 under section 120(i) of title 23, United States Code.

9 (2) WEBSITE SUPPORT.—The Secretary shall  
10 make available a publicly accessible website on which  
11 originating States shall post the amount of toll cred-  
12 its, verified under subsection (d)(1)(A), that are  
13 available for sale or transfer to a recipient State.

14 (3) BILATERAL TRANSACTIONS.—An origi-  
15 nating State and a recipient State may enter into a  
16 bilateral transaction to sell or transfer verified toll  
17 credits.

18 (4) NOTIFICATION.—Not later than 30 days  
19 after the date on which a credit is transferred or  
20 sold, the originating State and the recipient State  
21 shall jointly submit to the Secretary a written notifi-  
22 cation of the transfer or sale, including details on—

23 (A) the amount of toll credits that have  
24 been sold or transferred;

1           (B) the price paid or other value trans-  
2           ferred in exchange for the toll credits;

3           (C) the intended use by the recipient State  
4           of the toll credits, if known;

5           (D) the intended use by the originating  
6           State of the cash or other value transferred;

7           (E) an update on the toll credit balance of  
8           the originating State and the recipient State;  
9           and

10          (F) any other information about the trans-  
11          action that the Secretary may require.

12          (5) USE OF CREDITS BY TRANSFEREE OR PUR-  
13          CHASER.—A recipient State may use a credit re-  
14          ceived under paragraph (1) toward the non-Federal  
15          share requirement for any funds made available to  
16          carry out title 23 or chapter 53 of title 49, United  
17          States Code, in accordance with section 120(i) of  
18          title 23, United States Code.

19          (6) USE OF PROCEEDS FROM SALE OF CRED-  
20          ITS.—An originating State shall use the proceeds  
21          from the sale of a credit under paragraph (1) for the  
22          construction costs of any project in the originating  
23          State that is eligible under title 23, United States  
24          Code.

25          (f) REPORTING REQUIREMENTS.—

1           (1) INITIAL REPORT.—Not later than 1 year  
2 after the date on which the pilot program is estab-  
3 lished, the Secretary shall submit to the Committee  
4 on Environment and Public Works of the Senate  
5 and the Committee on Transportation and Infra-  
6 structure of the House of Representatives a report  
7 on the progress of the pilot program.

8           (2) FINAL REPORT.—Not later than 3 years  
9 after the date on which the pilot program is estab-  
10 lished, the Secretary shall—

11           (A) submit to the Committee on Environ-  
12 ment and Public Works of the Senate and the  
13 Committee on Transportation and Infrastruc-  
14 ture of the House of Representatives a report  
15 that—

16           (i) determines whether a toll credit  
17 marketplace is viable and cost-effective;

18           (ii) describes the buying and selling  
19 activities under the pilot program;

20           (iii) describes the average sale price of  
21 toll credits;

22           (iv) determines whether the pilot pro-  
23 gram could be expanded to more States or  
24 all States or to non-State operators of toll  
25 facilities;

1                   (v) provides updated information on  
2                   the toll credit balance accumulated by each  
3                   State; and

4                   (vi) describes the list of projects that  
5                   were assisted by the pilot program; and

6                   (B) make the report under subparagraph  
7                   (A) publicly available on the website of the De-  
8                   partment.

9                   (g) TERMINATION.—

10                   (1) IN GENERAL.—The Secretary may termi-  
11                   nate the pilot program or the participation of any  
12                   State in the pilot program if the Secretary deter-  
13                   mines that—

14                   (A) the pilot program is not serving a pub-  
15                   lic benefit; or

16                   (B) it is not cost effective to carry out the  
17                   pilot program.

18                   (2) PROCEDURES.—The termination of the pilot  
19                   program or the participation of a State in the pilot  
20                   program shall be carried out consistent with Federal  
21                   requirements for project closeout, adjustment, and  
22                   continuing responsibilities.

1 **SEC. 1504. FOREST SERVICE LEGACY ROADS AND TRAILS**  
2 **REMEDICATION PROGRAM.**

3 Public Law 88-657 (16 U.S.C. 532 et seq.) (com-  
4 monly known as the “Forest Roads and Trails Act”) is  
5 amended by adding at the end the following:

6 **“SEC. 8. FOREST SERVICE LEGACY ROADS AND TRAILS RE-**  
7 **MEDIATION PROGRAM.**

8 “(a) **IN GENERAL.**—Not later than 180 days after  
9 the date of enactment of this section, the Secretary, acting  
10 through the Chief of the Forest Service, shall establish,  
11 and develop a national strategy to carry out, a program,  
12 to be known as the ‘Forest Service Legacy Roads and  
13 Trails Remediation Program’, within the National Forest  
14 System, to carry out critical maintenance and urgent re-  
15 pairs and improvements on National Forest System roads,  
16 trails, and bridges.

17 “(b) **PRIORITY.**—In implementing the program under  
18 this section, the Secretary may give priority to any project  
19 that protects or restores—

20 “(1) water quality;

21 “(2) a watershed that feeds a public drinking  
22 water system;

23 “(3) important wildlife habitat, as determined  
24 by the Secretary, in consultation with each affected  
25 State, including habitat of threatened, endangered,  
26 or sensitive fish or wildlife species; or



1           ~~(C)~~ a metropolitan planning organization  
 2           (as defined in section 134(b) of title 23, United  
 3           States Code);

4           ~~(D)~~ a rural planning organization; or

5           ~~(E)~~ a Tribal government.

6           ~~(2)~~ PILOT PROGRAM.—The term “pilot pro-  
 7           gram” means the pilot program established by the  
 8           Secretary under subsection (b).

9           ~~(b)~~ ESTABLISHMENT.—The Secretary shall establish  
 10          and carry out a pilot program under which the Secretary  
 11          shall provide grants to local communities to develop dis-  
 12          aster preparedness and disaster response plans that in-  
 13          clude the use of bicycles.

14          ~~(c)~~ APPLICATION AND SELECTION REQUIRE-  
 15          MENTS.—

16           ~~(1)~~ PARTNERSHIPS.—To be eligible to receive a  
 17          grant under the pilot program, a local community  
 18          shall demonstrate plans to enter into a partnership  
 19          with—

20           ~~(A)~~ 1 or more nonprofit community organi-  
 21          zations; or

22           ~~(B)~~ 1 or more bicycle or pedestrian advo-  
 23          cacy organizations.

24           ~~(2)~~ APPLICATION.—To be eligible to receive a  
 25          grant under the pilot program, a local community

1 shall submit to the Secretary an application at such  
2 time, in such manner, and containing such informa-  
3 tion as the Secretary may require, including an iden-  
4 tification of each nonprofit community organization  
5 and bicycle or pedestrian advocacy organization with  
6 which the local community plans to establish a part-  
7 nership under paragraph (1).

8 (3) SELECTION.—For each fiscal year, the Sec-  
9 retary shall select not fewer than 4, and not more  
10 than 10, local communities that meet the eligibility  
11 requirements to receive a grant under the pilot pro-  
12 gram.

13 (d) MAXIMUM AMOUNT.—The maximum amount of  
14 a grant under the pilot program shall be \$125,000.

15 (e) USE OF FUNDS.—

16 (1) VULNERABILITY ASSESSMENT.—

17 (A) IN GENERAL.—Each recipient of a  
18 grant under the pilot program shall carry out a  
19 vulnerability assessment of active transportation  
20 infrastructure in the applicable community,  
21 with a particular focus on areas in the local  
22 community that—

23 (i) have low levels of vehicle owner-  
24 ship; and

1                   (ii) lack sufficient active transpor-  
 2                   tation infrastructure routes to public  
 3                   transportation.

4                   (B) PUBLIC PARTICIPATION.—In carrying  
 5                   out the vulnerability assessment under subpara-  
 6                   graph (A), a grant recipient shall—

7                   (i) provide an opportunity for public  
 8                   participation and feedback; and

9                   (ii) consider public feedback in devel-  
 10                  oping or modifying response plans under  
 11                  paragraph (2).

12                 (2) DISASTER PREPAREDNESS AND DISASTER  
 13                 RESPONSE PLANS.—

14                 (A) IN GENERAL.—Each recipient of a  
 15                 grant under the pilot program shall develop or  
 16                 modify, as applicable, disaster preparedness and  
 17                 disaster response plans to include the use of bi-  
 18                 cycles by first responders, emergency workers,  
 19                 and community organization representatives—

20                 (i) during an evacuation—

21                         (I) to notify residents of the need  
 22                         to evacuate;

23                         (II) to evacuate individuals and  
 24                         goods; and

1                   (III) to reach individuals who are  
2                   in need of first aid and medical assist-  
3                   ance; and

4                   (ii) after a disaster—

5                   (I) to assist in searching for and  
6                   locating individuals in the disaster  
7                   area;

8                   (II) to carry—

9                   (aa) water;

10                  (bb) food;

11                  (cc) first aid and other med-  
12                  ical supplies; and

13                  (dd) power sources and elec-  
14                  tric supplies, such as cell phones,  
15                  radios, lights, and batteries;

16                  (III) to reach individuals who are  
17                  in need of the items described in sub-  
18                  clause (II); and

19                  (IV) to assist with other disaster  
20                  relief tasks, as appropriate.

21                  (B) TRAINING AND PRACTICE.—As part of  
22                  the plans under subparagraph (A), a grant re-  
23                  cipient shall—

1 (i) provide training for first respond-  
2 ers, emergency workers, and community  
3 organization representatives regarding—

4 (I) competent bicycle skills, in-  
5 cluding the use of cargo bicycles and  
6 electric bicycles, as applicable;

7 (II) basic bicycle maintenance;  
8 and

9 (III) methods to use bicycles to  
10 carry out the activities described in  
11 clauses (i) and (ii) of subparagraph  
12 (A); and

13 (ii) include in the plans a plan for—

14 (I) practicing the skills described  
15 in clause (i); and

16 (II) maintaining bicycles and re-  
17 lated equipment.

18 (C) BIKE SUPPLY.—As part of the plans  
19 under subparagraph (A), a grant recipient shall  
20 provide bicycles, as necessary and appropriate,  
21 to each community organization acting in part-  
22 nership with the recipient to allow representa-  
23 tives of the organization to assist in disaster  
24 preparedness and disaster response efforts.

1 (f) REPORT.—Not later than 2 years after the date  
2 of enactment of this Act, the Secretary shall submit to  
3 Congress a report that—

4 (1) describes the activities carried out under the  
5 pilot program;

6 (2) analyzes the effectiveness of the pilot pro-  
7 gram; and

8 (3) includes recommendations, if any, regarding  
9 methods by which to incorporate bicycles into dis-  
10 aster preparedness and disaster response plans in  
11 other communities.

12 **SEC. 1506. APPALACHIAN REGIONAL DEVELOPMENT.**

13 (a) DEFINITION OF APPALACHIAN REGION, NORTH  
14 CAROLINA.—Section 14102(a)(1)(G) of title 40, United  
15 States Code, is amended—

16 (1) by inserting “Catawba,” after “Caldwell,”;  
17 and

18 (2) by inserting “Cleveland,” after “Clay,”.

19 (b) APPALACHIAN REGIONAL ENERGY HUB INITIA-  
20 TIVE.—

21 (1) IN GENERAL.—Subchapter I of chapter 145  
22 of subtitle IV of title 40, United States Code, is  
23 amended by adding at the end the following:

1 **“§ 14511. Appalachian regional energy hub initiative**

2       “(a) IN GENERAL.—The Appalachian Regional Com-  
3 mission may provide technical assistance to, make grants  
4 to, enter into contracts with, or otherwise provide amounts  
5 to individuals or entities in the Appalachian region for  
6 projects and activities—

7           “(1) to conduct research and analysis regarding  
8 the economic impact of an ethane storage hub in the  
9 Appalachian region that supports a more-effective  
10 energy market performance due to the scale of the  
11 project, such as a project with the capacity to store  
12 and distribute more than 100,000 barrels per day of  
13 hydrocarbon feedstock with a minimum gross heat-  
14 ing value of 1,700 Btu per standard cubic foot;

15           “(2) with the potential to significantly con-  
16 tribute to the economic resilience of the area in  
17 which the project is located; and

18           “(3) that will help establish a regional energy  
19 hub in the Appalachian region for natural gas and  
20 natural gas liquids, including storage and associated  
21 pipelines.

22       “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the  
23 cost of any activity eligible for a grant under this sec-  
24 tion—

1           “(1) not more than 50 percent may be provided  
2           from amounts made available to carry out this sec-  
3           tion;

4           “(2) in the case of a project to be carried out  
5           in a county for which a distressed county designa-  
6           tion is in effect under section 14526, not more than  
7           80 percent may be provided from amounts made  
8           available to carry out this section; and

9           “(3) in the case of a project to be carried out  
10          in a county for which an at-risk county designation  
11          is in effect under section 14526, not more than 70  
12          percent may be provided from amounts made avail-  
13          able to carry out this section.

14          “(e) SOURCES OF ASSISTANCE.—Subject to sub-  
15          section (b), a grant provided under this section may be  
16          provided from amounts made available to carry out this  
17          section, in combination with amounts made available—

18                  “(1) under any other Federal program; or

19                  “(2) from any other source.

20          “(d) FEDERAL SHARE.—Notwithstanding any provi-  
21          sion of law limiting the Federal share under any other  
22          Federal program, amounts made available to carry out  
23          this section may be used to increase that Federal share,  
24          as the Appalachian Regional Commission determines to be  
25          appropriate.”.

1           (2) CLERICAL AMENDMENT.—The analysis for  
 2           subchapter I of chapter 145 of title 40, United  
 3           States Code, is amended by inserting after the item  
 4           relating to section 14510 the following:

“14511. Appalachian regional energy hub initiative.”.

5           (e) AUTHORIZATIONS.—Section 14703 of title 40,  
 6           United States Code, is amended—

7           (1) in subsection (a)—

8                   (A) in paragraph (4), by striking “and” at  
 9                   the end;

10                   (B) in paragraph (5), by striking “through  
 11                   2020.” and inserting “through 2020; and”; and

12                   (C) by adding at the end the following:

13                   “(6) \$180,000,000 for each of fiscal years 2021  
 14                   through 2025.”;

15           (2) in subsection (e)—

16                   (A) by striking “\$10,000,000” and insert-  
 17                   ing “\$20,000,000”; and

18                   (B) by striking “2020” and inserting  
 19                   “2025”;

20           (3) by redesignating subsections (d) and (e) as  
 21           subsections (e) and (f), respectively; and

22           (4) by inserting after subsection (e) the fol-  
 23           lowing:

24           “(d) APPALACHIAN REGIONAL ENERGY HUB INITIA-  
 25           TIVE.—Of the amounts made available under subsection

1 (a), \$5,000,000 shall be used to carry out section 14511  
 2 for each of fiscal years 2021 through 2025.”.

3 (d) **TERMINATION.**—Section 14704 of title 40,  
 4 United States Code, is amended by striking “2020” and  
 5 inserting “2025”.

6 **SEC. 1507. REQUIREMENTS FOR TRANSPORTATION**  
 7 **PROJECTS CARRIED OUT THROUGH PUBLIC-**  
 8 **PRIVATE PARTNERSHIPS.**

9 (a) **DEFINITIONS.**—In this section:

10 (1) **PROJECT.**—The term “project” means a  
 11 project (as defined in section 101 of title 23, United  
 12 States Code) that—

13 (A) is carried out, in whole or in part,  
 14 using Federal financial assistance; and

15 (B) has an estimated total cost of  
 16 \$100,000,000 or more.

17 (2) **PUBLIC-PRIVATE PARTNERSHIP.**—The term  
 18 “public-private partnership” means an agreement  
 19 between a public agency and a private entity to fi-  
 20 nance, build, and maintain or operate a project.

21 (b) **REQUIREMENTS FOR PROJECTS CARRIED OUT**  
 22 **THROUGH PUBLIC-PRIVATE PARTNERSHIPS.**—With re-  
 23 spect to a public-private partnership, as a condition of re-  
 24 ceiving Federal financial assistance for a project, the Sec-

1 retary shall require the public partner, not later than 3  
2 years after the date of opening of the project to traffic—

3           (1) to conduct a review of the project, including  
4 a review of the compliance of the private partner  
5 with the terms of the public-private partnership  
6 agreement;

7           (2)(A) to certify to the Secretary that the pri-  
8 vate partner of the public-private partnership is  
9 meeting the terms of the public-private partnership  
10 agreement for the project; or

11           (B) to notify the Secretary that the private  
12 partner of the public-private partnership has not  
13 met 1 or more of the terms of the public-private  
14 partnership agreement for the project, including a  
15 brief description of each violation of the public-pri-  
16 vate partnership agreement; and

17           (3) to make publicly available the certification  
18 or notification, as applicable, under paragraph (2) in  
19 a form that does not disclose any proprietary or con-  
20 fidential business information.

21           (c) NOTIFICATION.—If the Secretary provides Fed-  
22 eral financial assistance to a project carried out through  
23 a public-private partnership, not later than 30 days after  
24 the date on which the Federal financial assistance is first  
25 obligated, the Secretary shall submit to the Committee on

1 Environment and Public Works of the Senate and the  
2 Committee on Transportation and Infrastructure of the  
3 House of Representatives a notification of the Federal fi-  
4 nancial assistance made available for the project.

5 (d) VALUE FOR MONEY ANALYSIS.—

6 (1) PROJECT APPROVAL AND OVERSIGHT.—Sec-  
7 tion 106(h)(3) of title 23, United States Code, is  
8 amended—

9 (A) in subparagraph (C), by striking  
10 “and” at the end;

11 (B) by redesignating subparagraph (D) as  
12 subparagraph (E); and

13 (C) by inserting after subparagraph (C)  
14 the following:

15 “(D) for a project in which the project  
16 sponsor intends to carry out the project  
17 through a public-private partnership agreement,  
18 shall include a detailed value for money analysis  
19 or similar comparative analysis for the project;  
20 and”.

21 (2) SURFACE TRANSPORTATION BLOCK GRANT  
22 PROGRAM.—Paragraph (16) of section 133(b) of  
23 title 23, United States Code (as redesignated by sec-  
24 tion 1109(a)(1)(C)), is amended by inserting “, in-

1 eluding conducting value for money analyses or simi-  
 2 lar comparative analyses,” after “oversight”.

3 ~~(3) TIFIA.~~—Section 602(a) of title 23, United  
 4 States Code, is amended by adding at the end the  
 5 following:

6 ~~“(11) PUBLIC-PRIVATE PARTNERSHIPS.~~—In the  
 7 case of a project to be carried out through a public-  
 8 private partnership, the public partner shall have—

9 ~~“(A) conducted a value for money analysis~~  
 10 ~~or similar comparative analysis; and~~

11 ~~“(B) determined the appropriateness of the~~  
 12 ~~public-private partnership agreement.”.~~

13 ~~(c) APPLICABILITY.~~—This section and the amend-  
 14 ments made by this section shall only apply to a public-  
 15 private partnership agreement entered into on or after the  
 16 date of enactment of this Act.

17 **SEC. 1508. COMMUNITY CONNECTIVITY PILOT PROGRAM.**

18 ~~(a) DEFINITION OF ELIGIBLE FACILITY.~~—

19 ~~(1) IN GENERAL.~~—In this section, the term “el-  
 20 igible facility” means a highway or other transpor-  
 21 tation facility that creates a barrier to community  
 22 connectivity, including barriers to mobility, access,  
 23 or economic development, due to high speeds, grade  
 24 separations, or other design factors.

1           (2) INCLUSIONS.—In this section, the term “eli-  
2           gible facility” may include—

3                   (A) a limited access highway;

4                   (B) a viaduct; and

5                   (C) any other principal arterial facility.

6           (b) ESTABLISHMENT.—The Secretary shall establish  
7 a pilot program through which an eligible entity may apply  
8 for funding—

9                   (1) to study the feasibility and impacts of re-  
10 removing an existing eligible facility;

11                   (2) to conduct planning activities necessary to  
12 design a project to remove an existing eligible facil-  
13 ity; and

14                   (3) to conduct construction activities necessary  
15 to carry out a project to remove an existing eligible  
16 facility.

17           (c) PLANNING GRANTS.—

18                   (1) ELIGIBLE ENTITIES.—The Secretary may  
19 award a grant (referred to in this section as a “plan-  
20 ning grant”) to carry out planning activities de-  
21 scribed in paragraph (2) to—

22                   (A) a State;

23                   (B) a unit of local government;

24                   (C) a Tribal government;

1           (~~D~~) a metropolitan planning organization;

2           and

3           (~~E~~) a nonprofit organization.

4           (2) ELIGIBLE ACTIVITIES DESCRIBED.—The  
5           planning activities referred to in paragraph (1)  
6           are—

7           (A) planning studies to evaluate the feasi-  
8           bility of removing an eligible facility, including  
9           evaluations of—

10           (i) current traffic patterns on the eli-  
11           gible facility proposed for removal and the  
12           surrounding street network;

13           (ii) the capacity of existing transpor-  
14           tation networks to maintain mobility  
15           needs;

16           (iii) an analysis of alternative roadway  
17           designs or other uses for the right-of-way  
18           of the eligible facility, including an analysis  
19           of whether the available right-of-way would  
20           suffice to create an alternative roadway de-  
21           sign;

22           (iv) the effect of the removal of the eli-  
23           gible facility on the mobility of freight and  
24           people;

1           (v) the effect of the removal of the eli-  
2           gible facility on the safety of the traveling  
3           public;

4           (vi) the cost to remove the eligible fa-  
5           cility and to convert the eligible facility to  
6           a different roadway design or use, com-  
7           pared to any expected costs for necessary  
8           maintenance or reconstruction of the eligi-  
9           ble facility;

10          (vii) the anticipated economic impact  
11          of removing and converting the eligible fa-  
12          cility and any economic development op-  
13          portunities that would be created by re-  
14          moving and converting the eligible facility;  
15          and

16          (viii) the environmental impacts of re-  
17          taining or reconstructing the eligible facil-  
18          ity and the anticipated effect of the pro-  
19          posed alternative use or roadway design;

20          (B) public engagement activities to provide  
21          opportunities for public input into a plan to re-  
22          move and convert an eligible facility; and

23          (C) other transportation planning activities  
24          required in advance of a project to remove an

1 existing eligible facility, as determined by the  
2 Secretary.

3 ~~(3) TECHNICAL ASSISTANCE PROGRAM.—~~

4 (A) IN GENERAL.—The Secretary may  
5 provide technical assistance described in sub-  
6 paragraph (B) to an eligible entity.

7 (B) TECHNICAL ASSISTANCE DE-  
8 SCRIBED.—The technical assistance referred to  
9 in subparagraph (A) is technical assistance in  
10 building organizational or community capac-  
11 ity—

12 (i) to engage in transportation plan-  
13 ning; and

14 (ii) to identify innovative solutions to  
15 infrastructure challenges, including recon-  
16 necting communities that—

17 (I) are bifurcated by eligible fa-  
18 cilities; or

19 (II) lack safe, reliable, and af-  
20 fordable transportation choices.

21 (C) PRIORITIES.—In selecting recipients of  
22 technical assistance under subparagraph (A),  
23 the Secretary shall give priority to an applica-  
24 tion from a community that is economically dis-  
25 advantaged.

1           (4) ~~SELECTION.~~—The Secretary shall—

2                   (A) ~~solicit~~ applications for—

3                           (i) ~~planning grants~~; and

4                           (ii) ~~technical assistance under para-~~  
5                           ~~graph (3)~~; and

6                   (B) ~~evaluate~~ applications for a ~~planning~~  
7                   ~~grant on the basis of the demonstration by the~~  
8                   ~~applicant that—~~

9                           (i) ~~the eligible facility is aged and is~~  
10                           ~~likely to need replacement or significant re-~~  
11                           ~~construction within the 20-year period be-~~  
12                           ~~ginning on the date of the submission of~~  
13                           ~~the application;~~

14                           (ii) ~~the eligible facility—~~

15                                   (I) ~~creates barriers to mobility,~~  
16                                   ~~access, or economic development; or~~

17                                   (II) ~~is not justified by current~~  
18                                   ~~and forecast future travel demand;~~  
19                                   ~~and~~

20                           (iii) ~~on the basis of preliminary inves-~~  
21                           ~~tigations into the feasibility of removing~~  
22                           ~~the eligible facility, further investigation is~~  
23                           ~~necessary and likely to be productive.~~

24           (5) ~~AWARD AMOUNTS.~~—A ~~planning grant may~~  
25           ~~not exceed \$2,000,000 per recipient.~~

1           (6) FEDERAL SHARE.—The total Federal share  
2 of the cost of a planning activity for which a plan-  
3 ning grant is used shall not exceed 80 percent.

4           (d) CAPITAL CONSTRUCTION GRANTS.—

5           (1) ELIGIBLE ENTITIES.—The Secretary may  
6 award a grant (referred to in this section as a “cap-  
7 ital construction grant”) to the owner of an eligible  
8 facility to carry out an eligible project described in  
9 paragraph (3) for which all necessary feasibility  
10 studies and other planning activities have been com-  
11 pleted.

12           (2) PARTNERSHIPS.—An owner of an eligible  
13 facility may, for the purposes of submitting an appli-  
14 cation for a capital construction grant, if applicable,  
15 partner with—

16                   (A) a State;

17                   (B) a unit of local government;

18                   (C) a Tribal government;

19                   (D) a metropolitan planning organization;

20                   or

21                   (E) a nonprofit organization.

22           (3) ELIGIBLE PROJECTS.—A project eligible to  
23 be carried out with a capital construction grant in-  
24 cludes—

25                   (A) the removal of an eligible facility; and

1           ~~(B)~~ the replacement of an eligible facility  
2 with a new facility that is—

3           ~~(i)~~ sensitive to the context of the sur-  
4 rounding community; and

5           ~~(ii)~~ otherwise eligible for funding  
6 under title 23, United States Code.

7           ~~(4) SELECTION.~~—The Secretary shall—

8           ~~(A)~~ solicit applications for capital construc-  
9 tion grants; and

10          ~~(B)~~ evaluate applications on the basis of—

11          ~~(i)~~ the degree to which the project will  
12 improve mobility and access through the  
13 removal of barriers;

14          ~~(ii)~~ the appropriateness of removing  
15 the eligible facility, based on current traffic  
16 patterns and the ability of the replacement  
17 facility and the regional transportation  
18 network to absorb transportation demand  
19 and provide safe mobility and access;

20          ~~(iii)~~ the impact of the project on  
21 freight movement;

22          ~~(iv)~~ the results of a cost-benefit anal-  
23 ysis of the project;

24          ~~(v)~~ the opportunities for inclusive eco-  
25 nomic development;

1                   (vi) the degree to which the eligible  
2                   facility is out of context with the current  
3                   or planned land use;

4                   (vii) the results of any feasibility  
5                   study completed for the project; and

6                   (viii) the plan of the applicant for—

7                               (I) employing residents in the  
8                               area impacted by the project through  
9                               targeted hiring programs; in partner-  
10                              ship with registered apprenticeship  
11                              programs; if applicable; and

12                             (II) contracting and subcon-  
13                             tracting with disadvantaged business  
14                             enterprises.

15                   (5) MINIMUM AWARD AMOUNTS.—A capital  
16                   construction grant shall be in an amount not less  
17                   than \$5,000,000 per recipient.

18                   (6) FEDERAL SHARE.—

19                             (A) IN GENERAL.—Subject to subpara-  
20                             graph (B), a capital construction grant may not  
21                             exceed 50 percent of the total cost of the  
22                             project for which the grant is awarded.

23                             (B) MAXIMUM FEDERAL INVOLVEMENT.—  
24                             Federal assistance other than a capital con-  
25                             struction grant may be used to satisfy the non-

1 Federal share of the cost of a project for which  
2 the grant is awarded, except that the total Fed-  
3 eral assistance provided for a project for which  
4 the grant is awarded may not exceed 80 percent  
5 of the total cost of the project.

6 ~~(7) COMMUNITY ADVISORY BOARD.—~~

7 ~~(A) IN GENERAL.—To help achieve inclu-~~  
8 ~~sive economic development benefits with respect~~  
9 ~~to the project for which a grant is awarded, a~~  
10 ~~grant recipient may form a community advisory~~  
11 ~~board, which shall—~~

12 ~~(i) facilitate community engagement~~  
13 ~~with respect to the project; and~~

14 ~~(ii) track progress with respect to~~  
15 ~~commitments of the grant recipient to in-~~  
16 ~~clusive employment, contracting, and eco-~~  
17 ~~nomic development under the project.~~

18 ~~(B) MEMBERSHIP.—If a grant recipient~~  
19 ~~forms a community advisory board under sub-~~  
20 ~~paragraph (A), the community advisory board~~  
21 ~~shall be composed of representatives of—~~

22 ~~(i) the community;~~

23 ~~(ii) owners of businesses that serve~~  
24 ~~the community;~~

1 (iii) labor organizations that represent  
2 workers that serve the community; and

3 (iv) State and local government.

4 (e) REPORTS.—

5 (1) USDOT REPORT ON PILOT PROGRAM.—Not  
6 later than January 1, 2025, the Secretary shall sub-  
7 mit to the Committee on Environment and Public  
8 Works of the Senate and the Committee on Trans-  
9 portation and Infrastructure of the House of Rep-  
10 resentatives a report that evaluates the pilot pro-  
11 gram under this section, including—

12 (A) information about the level of appli-  
13 cant interest in planning grants, technical as-  
14 sistance under subsection (e)(3), and capital  
15 construction grants, including the extent to  
16 which overall demand exceeded available funds;  
17 and

18 (B) for recipients of capital construction  
19 grants, the outcomes and impacts of the high-  
20 way removal project, including—

21 (i) any changes in the overall level of  
22 mobility, congestion, access, and safety in  
23 the project area; and

1                   (ii) environmental impacts and eco-  
2                   nomic development opportunities in the  
3                   project area.

4                   (2) GAO REPORT ON HIGHWAY REMOVALS.—

5                   Not later than 2 years after the date of enactment  
6                   of this Act, the Comptroller General of the United  
7                   States shall issue a report that—

8                   (A) identifies examples of projects to re-  
9                   move highways using Federal highway funds;

10                  (B) evaluates the effect of highway re-  
11                  moval projects on the surrounding area, includ-  
12                  ing impacts to the local economy, congestion ef-  
13                  fects, safety outcomes, and impacts on the  
14                  movement of freight and people;

15                  (C) evaluates the existing Federal-aid pro-  
16                  gram eligibility under title 23, United States  
17                  Code, for highway removal projects;

18                  (D) analyzes the costs and benefits of and  
19                  barriers to removing underutilized highways  
20                  that are nearing the end of their useful life  
21                  compared to replacing or reconstructing the  
22                  highway; and

23                  (E) provides recommendations for inte-  
24                  grating those assessments into transportation  
25                  planning and decision-making processes.

1       (f) **TECHNICAL ASSISTANCE.**—Of the funds made  
 2 available to carry out this section for planning grants, the  
 3 Secretary may use not more than \$15,000,000 during the  
 4 period of fiscal years 2021 through 2025 to provide tech-  
 5 nical assistance under subsection (e)(3).

6 **SEC. 1509. REPEAL OF RESCISSION.**

7       (a) **IN GENERAL.**—Section 1438 of the FAST Act  
 8 (Public Law 114–94; 129 Stat. 1432) is repealed.

9       (b) **CLERICAL AMENDMENT.**—The table of contents  
 10 in section 1(b) of the FAST Act (Public Law 114–94; 129  
 11 Stat. 1312) is amended by striking the item relating to  
 12 section 1438.

13 **SEC. 1510. FEDERAL INTERAGENCY WORKING GROUP FOR**  
 14                   **CONVERSION OF FEDERAL FLEET TO HY-**  
 15                   **BRID-ELECTRIC VEHICLES, ELECTRIC VEHI-**  
 16                   **CLES, AND ALTERNATIVE FUELED VEHICLES.**

17       (a) **IN GENERAL.**—Not later than 1 year after the  
 18 date of enactment of this Act, the Chair of the Council  
 19 on Environmental Quality shall coordinate and chair a  
 20 Federal interagency working group to develop a strategy  
 21 to transition the vehicle fleets of the respective Federal  
 22 agencies to hybrid-electric vehicles, plug-in electric drive  
 23 vehicles, and alternative fueled vehicles (as defined in sec-  
 24 tion 301 of the Energy Policy Act of 1992 (42 U.S.C.  
 25 13211)), to the maximum extent practicable.

1 (b) GOALS.—The goals of the interagency working  
2 group established under subsection (a) are—

3 (1) to ensure that the Federal vehicle fleet is at  
4 the leading edge of transitioning to clean energy  
5 sources; and

6 (2) to develop targets for each year such that  
7 the total number of vehicles purchased for the Fed-  
8 eral fleet in the applicable year includes a percentage  
9 of hybrid-electric vehicles, plug-in electric drive vehi-  
10 cles, and alternative fueled vehicles that is not less  
11 than the percentage of hybrid-electric vehicles, plug-  
12 in electric drive vehicles, and alternative fueled vehi-  
13 cles purchased in the United States in the previous  
14 year.

15 (c) REQUIREMENT.—In developing the strategy  
16 under subsection (a), the interagency working group es-  
17 tablished under that subsection shall consider—

18 (1) cost-effectiveness; and

19 (2) the types of vehicles that are appropriate to  
20 the mission of each Federal agency.

21 (d) REPORT.—Not later than 1 year after the date  
22 of enactment of this Act, and annually thereafter, the Fed-  
23 eral interagency working group shall submit to the Com-  
24 mittee on Environment and Public Works of the Senate  
25 and the Committee on Transportation and Infrastructure

1 of the House of Representatives a report that describes  
 2 the progress made toward implementing the strategy de-  
 3 veloped under subsection (a).

4 **SEC. 1511. CYBERSECURITY TOOL; CYBER COORDINATOR.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-  
 7 trator” means the Administrator of the Federal  
 8 Highway Administration.

9 (2) CYBER INCIDENT.—The term “cyber inci-  
 10 dent” has the meaning given the term “significant  
 11 cyber incident” in Presidential Policy Directive 41  
 12 (July 26, 2016, relating to cyber incident coordina-  
 13 tion).

14 (3) TRANSPORTATION AUTHORITY.—The term  
 15 “transportation authority” means—

16 (A) a public authority (as defined in sec-  
 17 tion 101(a) of title 23, United States Code);

18 (B) an owner or operator of a highway (as  
 19 defined in section 101(a) of title 23, United  
 20 States Code);

21 (C) a manufacturer that manufactures a  
 22 product related to transportation; and

23 (D) a division office of the Federal High-  
 24 way Administration.

25 (b) CYBERSECURITY TOOL.—

1           (1) IN GENERAL.—Not later than 2 years after  
2 the date of enactment of this Act, the Administrator  
3 shall develop a tool to assist transportation authori-  
4 ties in identifying, detecting, protecting against, re-  
5 sponding to, and recovering from cyber incidents.

6           (2) REQUIREMENTS.—In developing the tool  
7 under paragraph (1), the Administrator shall—

8           (A) use the cybersecurity framework estab-  
9 lished by the National Institute of Standards  
10 and Technology and required by Executive  
11 Order 13636 of February 12, 2013 (78 Fed.  
12 Reg. 11739; relating to improving critical infra-  
13 structure cybersecurity);

14           (B) establish a structured cybersecurity as-  
15 sessment and development program;

16           (C) consult with appropriate transportation  
17 authorities, operating agencies, industry stake-  
18 holders, and cybersecurity experts; and

19           (D) provide for a period of public comment  
20 and review on the tool.

21 (c) DESIGNATION OF CYBER COORDINATOR.—

22           (1) IN GENERAL.—Not later than 2 years after  
23 the date of enactment of this Act, the Administrator  
24 shall designate an office as a “cyber coordinator”,  
25 which shall be responsible for monitoring, alerting,

1 and advising transportation authorities of cyber inci-  
2 dents:

3 ~~(2) REQUIREMENTS.~~—The office designated  
4 under paragraph (1) shall—

5 (A) provide to transportation authorities a  
6 secure method of notifying a single Federal en-  
7 tity of cyber incidents;

8 (B) monitor cyber incidents that affect  
9 transportation authorities;

10 (C) alert transportation authorities to  
11 cyber incidents that affect those transportation  
12 authorities;

13 (D) investigate unaddressed cyber inci-  
14 dents that affect transportation authorities; and

15 (E) provide to transportation authorities  
16 educational resources, outreach, and awareness  
17 on fundamental principles and best practices in  
18 cybersecurity for transportation systems.

19 **SEC. 1512. STUDY ON MOST EFFECTIVE UPGRADES TO**  
20 **ROADWAY INFRASTRUCTURE.**

21 (a) **IN GENERAL.**—Not later than 1 year after the  
22 date of enactment of this Act, the Secretary shall offer  
23 to enter into an agreement with the Transportation Re-  
24 search Board of the National Academies of Sciences, En-  
25 gineering, and Medicine to conduct a study—

1           (1) to identify specific immediate and specific  
2           long-term types of improvements to roadway infra-  
3           structure that would benefit the largest segment of  
4           road users, autonomous vehicles, and automated  
5           driving systems; and

6           (2) to examine how best to achieve uniformity  
7           in roadway infrastructure to facilitate the safe de-  
8           ployment of autonomous vehicles and automated  
9           driving systems.

10          (b) RECOMMENDATIONS.—The study conducted  
11          under subsection (a) shall include recommendations to  
12          Congress relating to the matters studied under paragraphs  
13          (1) and (2) of that subsection.

14          (c) PUBLIC COMMENT.—Before entering into an  
15          agreement under subsection (a), the Secretary shall pro-  
16          vide an opportunity for public comment on the study pro-  
17          posal.

18          (d) REPORT.—If the Transportation Research Board  
19          enters into the agreement under subsection (a), to the  
20          maximum extent practicable, not later than 2 years after  
21          the date of enactment of this Act, the Secretary shall sub-  
22          mit to Congress the study conducted under that sub-  
23          section.

1 **SEC. 1513. STUDY ON VEHICLE-TO-INFRASTRUCTURE COM-**  
2 **MUNICATION TECHNOLOGY.**

3 (a) **IN GENERAL.**—Not later than 1 year after the  
4 date of enactment of this Act, the Secretary shall offer  
5 to enter into an agreement with the Transportation Re-  
6 search Board of the National Academy of Sciences, Engi-  
7 neering, and Medicine to conduct a study to identify im-  
8 mediate and long-term safety benefits of—

9 (1) vehicle-to-infrastructure connectivity tech-  
10 nologies; and

11 (2) technologies that would allow motor vehicles  
12 and roadway infrastructure to communicate using  
13 dedicated short-range communications and related  
14 safety applications.

15 (b) **CONTENTS.**—The study conducted under sub-  
16 section (a) shall include—

17 (1) recommendations to Congress on specific  
18 improvements to roadway infrastructure that would  
19 be needed to facilitate the implementation of—

20 (A) technologies that would allow motor  
21 vehicles and roadway infrastructure to commu-  
22 nicate using dedicated short-range communica-  
23 tions; and

24 (B) other vehicle-to-infrastructure  
25 connectivity technologies; and

1           (2) an evaluation of the safety, mobility, and  
2           environmental impacts resulting from a delay of the  
3           adoption of proven dedicated short-range commu-  
4           nication technologies for vehicle-to-infrastructure  
5           communication.

6           (c) PUBLIC COMMENT.—Before entering into an  
7           agreement under subsection (a), the Secretary shall pro-  
8           vide an opportunity for public comment on the study pro-  
9           posal.

10          (d) REPORT.—If the Transportation Research Board  
11          enters into the agreement under subsection (a), to the  
12          maximum extent practicable, not later than 2 years after  
13          the date of enactment of this Act, the Secretary shall sub-  
14          mit to Congress the study conducted under this section.

15          **SEC. 1514. NONHIGHWAY RECREATIONAL FUEL STUDY.**

16          (a) DEFINITIONS.—In this section:

17               (1) HIGHWAY TRUST FUND.—The term “High-  
18               way Trust Fund” means the Highway Trust Fund  
19               established by section 9503(a) of the Internal Rev-  
20               enue Code of 1986.

21               (2) NONHIGHWAY RECREATIONAL FUEL  
22               TAXES.—The term “nonhighway recreational fuel  
23               taxes” means taxes under section 4041 and 4081 of  
24               the Internal Revenue Code of 1986 with respect to  
25               fuel used in vehicles on recreational trails or back

1 country terrain (including vehicles registered for  
2 highway use when used on recreational trails; trail  
3 access roads not eligible for funding under title 23,  
4 United States Code, or back country terrain).

5 (3) RECREATIONAL TRAILS PROGRAM.—The  
6 term “recreational trails program” means the rec-  
7 reational trails program under section 206 of title  
8 23, United States Code.

9 (b) ASSESSMENT; REPORT.—

10 (1) ASSESSMENT.—Not later than 1 year after  
11 the date of enactment of this Act and not less fre-  
12 quently than once every 5 years thereafter, as deter-  
13 mined by the Secretary, the Secretary shall carry  
14 out an assessment of the best available estimate of  
15 the total amount of nonhighway recreational fuel  
16 taxes received by the Secretary of the Treasury and  
17 transferred to the Highway Trust Fund for the pe-  
18 riod covered by the assessment.

19 (2) REPORT.—After carrying out each assess-  
20 ment under paragraph (1), the Secretary shall sub-  
21 mit to the Committees on Finance and Environment  
22 and Public Works of the Senate and the Committees  
23 on Ways and Means and Transportation and Infra-  
24 structure of the House of Representatives a report  
25 that includes—

1           (A) to assist Congress in determining an  
2 appropriate funding level for the recreational  
3 trails program—

4           (i) a description of the results of the  
5 assessment; and

6           (ii) an evaluation of whether the cur-  
7 rent recreational trails program funding  
8 level reflects the amount of nonhighway  
9 recreational fuel taxes collected and trans-  
10 ferred to the Highway Trust Fund; and

11          (B) in the case of the first report sub-  
12 mitted under this paragraph, an estimate of the  
13 frequency with which the Secretary anticipates  
14 carrying out the assessment under paragraph  
15 (1); subject to the condition that such an as-  
16 sessment shall be carried out not less frequently  
17 than once every 5 years.

18          (c) CONSULTATION.—In carrying out an assessment  
19 under subsection (b)(1), the Secretary may consult with,  
20 as the Secretary determines to be appropriate—

21           (1) the heads of—

22           (A) State agencies designated by Gov-  
23 ernors pursuant to section 206(e)(1) of title 23,  
24 United States Code, to administer the rec-  
25 reational trails program; and

- 1           ~~(B)~~ division offices of the Department;
- 2           ~~(2)~~ the Secretary of the Treasury;
- 3           ~~(3)~~ the Administrator of the Federal Highway
- 4           Administration; and
- 5           ~~(4)~~ groups representing recreational activities
- 6           and interests, including hiking, biking and mountain
- 7           biking, horseback riding, water trails, snowshoeing,
- 8           cross-country skiing, snowmobiling, off-highway
- 9           motorcycling, all-terrain vehicles and other offroad
- 10          motorized vehicle activities, and recreational trail ad-
- 11          vocates.

12 **SEC. 1515. BUY AMERICA.**

13          Section 313 of title 23, United States Code, is

14          amended—

15                 ~~(1)~~ by redesignating subsection ~~(g)~~ as sub-

16                 section ~~(h)~~; and

17                 ~~(2)~~ by inserting after subsection ~~(f)~~ the fol-

18                 lowing:

19                 “~~(g)~~ WAIVERS.—

20                         “~~(1)~~ IN GENERAL.—Not less than 15 days be-

21                         fore issuing a waiver under this section, the Sec-

22                         retary shall provide to the public—

23                                 “~~(A)~~ notice of the proposed waiver;

24                                 “~~(B)~~ an opportunity for comment on the

25                                 proposed waiver; and

1           “(C) the reasons for the proposed waiver.

2           “(2) REPORT.—Not less frequently than annu-  
3 ally, the Secretary shall submit to the Committee on  
4 Environment and Public Works of the Senate and  
5 the Committee on Transportation and Infrastructure  
6 of the House of Representatives a report on the  
7 waivers provided under this section.”.

8 **SEC. 1516. REPORT ON DATA-DRIVEN INFRASTRUCTURE**  
9 **TRAFFIC SAFETY IMPROVEMENTS.**

10       The Administrator of the Federal Highway Adminis-  
11 tration shall—

12           (1) conduct a study to identify data-driven in-  
13 frastructure traffic safety improvements for priority  
14 focus areas identified by the Administrator, includ-  
15 ing improvements that would benefit older drivers,  
16 teenage drivers, commercial drivers, and other vul-  
17 nerable drivers;

18           (2) on completion of the study under paragraph  
19 (1), submit to the Committee on Environment and  
20 Public Works of the Senate and the Committee on  
21 Transportation and Infrastructure of the House of  
22 Representatives a report that—

23           (A) describes the results of the study; and

1           (B) includes recommendations for data-  
2           driven infrastructure traffic safety improve-  
3           ments that could be implemented; and

4           (3) based on the results of the study, promote  
5           the use of the data-driven infrastructure traffic safe-  
6           ty improvements recommended under paragraph  
7           (2)(B).

8   **SEC. 1517. HIGH PRIORITY CORRIDORS ON THE NATIONAL**  
9           **HIGHWAY SYSTEM.**

10          (a) HIGH PRIORITY CORRIDORS.—Section 1105(e) of  
11          the Intermodal Surface Transportation Efficiency Act of  
12          1991 (Public Law 102–240; 105 Stat. 2032; 131 Stat.  
13          797) is amended by adding at the end the following:

14                 “(91) United States Route 421 from the inter-  
15                 change with Interstate Route 85 in Greensboro,  
16                 North Carolina, to the interchange with Interstate  
17                 Route 95 in Dunn, North Carolina.

18                 “(92) The Wendell H. Ford (Western Ken-  
19                 tucky) Parkway from the interchange with the Wil-  
20                 liam H. Natcher Parkway in Ohio County, Ken-  
21                 tucky, west to the interchange of the Western Ken-  
22                 tucky Parkway with the Edward T. Breathitt  
23                 (Pennyrite) Parkway.”.

24          (b) DESIGNATION AS FUTURE INTERSTATE.—Sec-  
25          tion 1105(e)(5)(A) of the Intermodal Surface Transpor-

1 tation Efficiency Act of 1991 (Public Law 102–240; 109  
 2 Stat. 597; 131 Stat. 797) is amended in the first sentence  
 3 by striking “and subsection (e)(90)” and inserting “sub-  
 4 section (e)(90), subsection (e)(91), and subsection  
 5 (e)(92)”.

6 (c) NUMBERING OF PARKWAY.—Section  
 7 1105(e)(5)(C)(i) of the Intermodal Surface Transpor-  
 8 tation Efficiency Act of 1991 (Public Law 102–240; 109  
 9 Stat. 598; 126 Stat. 426; 131 Stat. 797) is amended by  
 10 adding at the end the following: “The route referred to  
 11 in subsection (e)(92) is designated as Interstate Route I-  
 12 569.”.

13 (d) GAO REPORT ON DESIGNATION OF SEGMENTS  
 14 AS PART OF INTERSTATE SYSTEM.—

15 (1) DEFINITION OF APPLICABLE SEGMENT.—In  
 16 this subsection, the term “applicable segment”  
 17 means a route described in paragraph (91) or (92)  
 18 of section 1105(e) of the Intermodal Surface Trans-  
 19 portation Efficiency Act of 1991 (Public Law 102-  
 20 240; 105 Stat. 2032).

21 (2) REPORT.—

22 (A) IN GENERAL.—Not later than 2 years  
 23 after the date on which the applicable segments  
 24 are open for operations as part of the Interstate  
 25 System, the Comptroller General of the United

1 States shall submit to Congress a report on the  
2 impact, if any, during that 2-year period of al-  
3 lowing the continuation of weight limits that  
4 applied before the designation of the applicable  
5 segment as a route on the Interstate System.

6 (B) REQUIREMENTS.—The report under  
7 subparagraph (A) shall—

8 (i) be informed by the views and docu-  
9 mentation provided by the State highway  
10 agency (or equivalent agency) in each  
11 State in which an applicable segment is lo-  
12 cated;

13 (ii) describe any impacts on safety  
14 and infrastructure on the applicable seg-  
15 ments;

16 (iii) describe any view of the State  
17 highway agency (or equivalent agency) in  
18 each State in which an applicable segment  
19 is located on the impact of the applicable  
20 segment; and

21 (iv) focus only on the applicable seg-  
22 ments.

23 **SEC. 1518. INTERSTATE WEIGHT LIMITS.**

24 Section 127 of title 23, United States Code, is  
25 amended—

1           ~~(1)~~ in subsection ~~(1)(3)(A)~~—

2                   (A) in the matter preceding clause (i), in  
3           the first sentence, by striking “clause (i) or  
4           (ii)” and inserting “clauses (i) through (iv)”;  
5           and

6                   (B) by adding at the end the following:

7                   “~~(iii)~~ The Wendell H. Ford (Western  
8           Kentucky) Parkway (to be designated as a  
9           spur of Interstate Route 69) from the  
10          interchange with the William H. Natcher  
11          Parkway in Ohio County, Kentucky, west  
12          to the interchange of the Western Ken-  
13          tucky Parkway with the Edward T.  
14          Breathitt (Pennyrile) Parkway.

15                  “~~(iv)~~ The Edward T. Breathitt Park-  
16          way (to be designated as a spur of Inter-  
17          state Route 69) from Interstate 24 to  
18          Interstate 69.”; and

19           (2) by adding at the end the following:

20           “~~(v)~~ OPERATION OF VEHICLES ON CERTAIN NORTH  
21   CAROLINA HIGHWAYS.—If any segment in the State of  
22   North Carolina of United States Route 17, United States  
23   Route 29, United States Route 52, United States Route  
24   64, United States Route 70, United States Route 74,  
25   United States Route 117, United States Route 220,

1 United States Route 264, or United States Route 421 is  
 2 designated as a route on the Interstate System, a vehicle  
 3 that could operate legally on that segment before the date  
 4 of such designation may continue to operate on that seg-  
 5 ment, without regard to any requirement under subsection  
 6 (a).”

7 **SEC. 1519. INTERSTATE EXEMPTION.**

8 Notwithstanding section 111 of title 23, United  
 9 States Code, if the segment of highway described in para-  
 10 graph (92) of section 1105(e) of the Intermodal Surface  
 11 Transportation Efficiency Act of 1991 (Public Law 102-  
 12 240; 105 Stat. 2032) is designated as a route on the Inter-  
 13 state System, any commercial establishment operating le-  
 14 gally in a rest area on that segment before the date of  
 15 that designation may continue to operate in the Interstate  
 16 right-of-way, subject to the Interstate access standards es-  
 17 tablished under section 111 of that title.

18 **SEC. 1520. REPORT ON AIR QUALITY IMPROVEMENTS.**

19 (a) IN GENERAL.—Not later than 3 years after the  
 20 date of enactment of this Act, the Comptroller General  
 21 of the United States shall submit a report that evaluates  
 22 the congestion mitigation and air quality improvement  
 23 program under section 149 of title 23, United States Code  
 24 (referred to in this section as the “program”), to—

1           (1) the Committee on Environment and Public  
2 Works of the Senate; and

3           (2) the Committee on Transportation and In-  
4 frastructure of the House of Representatives.

5       (b) CONTENTS.—The evaluation under subsection (a)  
6 shall include an evaluation of—

7           (1) the reductions of ozone, carbon monoxide,  
8 and particulate matter that result from projects  
9 under the program;

10          (2) the cost-effectiveness of the reductions de-  
11 scribed in paragraph (1);

12          (3) the result of investments of funding under  
13 the program in minority and low-income commu-  
14 nities that are disproportionately affected by ozone,  
15 carbon monoxide, and particulate matter;

16          (4) the effectiveness, with respect to the attain-  
17 ment or maintenance of national ambient air quality  
18 standards under section 109 of the Clean Air Act  
19 (42 U.S.C. 7409) for ozone, carbon monoxide, and  
20 particulate matter, of performance measures estab-  
21 lished under section 150(e)(5) of title 23, United  
22 States Code, and performance targets established  
23 under subsection (d) of that section for traffic con-  
24 gestion and on-road mobile source emissions;

1           (5) the extent to which there are any types of  
 2 projects that are not eligible funding under the pro-  
 3 gram that would be likely to contribute to the at-  
 4 tainment or maintenance of the national ambient air  
 5 quality standards described in paragraph (4); and

6           (6) the extent to which projects under the pro-  
 7 gram reduce sulfur dioxide, nitrogen dioxide, and  
 8 lead.

9 **SEC. 1521. ROADSIDE HIGHWAY SAFETY HARDWARE.**

10       (a) **IN GENERAL.**—Not later than 2 years after the  
 11 date of enactment of this Act, the Secretary shall imple-  
 12 ment the following recommendations from the report of  
 13 the Government Accountability Office entitled “Highway  
 14 Safety: More Robust DOT Oversight of Guardrails and  
 15 Other Roadside Hardware Could Further Enhance Safe-  
 16 ty” published in June 2016 and numbered GAO-16-575:

17           (1) Develop a process for third party  
 18 verification of full-scale crash testing results from  
 19 crash test labs to include a process for—

20                   (A) formally verifying the testing out-  
 21 comes; and

22                   (B) providing for an independent pass/fail  
 23 determination.

24           (2) Establish a process to enhance the inde-  
 25 pendence of crash test labs by ensuring that those

1 labs have a clear separation between device develop-  
2 ment and testing in cases in which lab employees  
3 test devices that were developed within the parent  
4 organization of the employee.

5 (b) CONTINUED ISSUANCE OF ELIGIBILITY LET-  
6 TERS.—Until the implementation of the recommendations  
7 described in subsection (a) is complete, the Secretary shall  
8 ensure that the Administrator of the Federal Highway Ad-  
9 ministration continues to issue Federal-aid reimbursement  
10 eligibility letters as a service to States.

11 **SEC. 1522. PERMEABLE PAVEMENTS STUDY.**

12 (a) IN GENERAL.—Not later than 1 year after the  
13 date of enactment of this Act, the Secretary shall carry  
14 out a study—

15 (1) to gather existing information on the effects  
16 of permeable pavements on flood control in different  
17 contexts, including in urban areas, and over the life-  
18 time of the permeable pavement;

19 (2) to perform research to fill gaps in the exist-  
20 ing information gathered under paragraph (1); and

21 (3) to develop—

22 (A) models for the performance of per-  
23 meable pavements in flood control; and

24 (B) best practices for designing permeable  
25 pavement to meet flood control requirements.

1 (b) DATA SURVEY.—In carrying out the study under  
2 subsection (a), the Secretary shall develop—

3 (1) a summary, based on available literature  
4 and models, of localized flood control capabilities of  
5 permeable pavement that considers long-term per-  
6 formance and cost information; and

7 (2) best practices for the design of localized  
8 flood control using permeable pavement that con-  
9 siders long-term performance and cost information.

10 (c) PUBLICATION.—The Secretary shall make a re-  
11 port describing the results of the study under subsection  
12 (a) available to States and units of local government.

13 **SEC. 1523. EMERGENCY RELIEF PROJECTS.**

14 (a) DEFINITION OF EMERGENCY RELIEF  
15 PROJECT.—In this section, the term “emergency relief  
16 project” means a project carried out under the emergency  
17 relief program under section 125 of title 23, United States  
18 Code.

19 (b) IMPROVING THE EMERGENCY RELIEF PRO-  
20 GRAM.—Not later than 90 days after the date of enact-  
21 ment of this Act, the Secretary shall—

22 (1) revise the emergency relief manual of the  
23 Federal Highway Administration—

1           (A) to include and reflect the definition of  
2           the term “resilience” (as defined in section  
3           101(a) of title 23, United States Code);

4           (B) to identify procedures that States may  
5           use to incorporate resilience into emergency re-  
6           lief projects; and

7           (C) to encourage the use of Complete  
8           Streets design principles and consideration of  
9           access for moderate- and low-income families  
10          impacted by a declared disaster;

11          (2) develop best practices for improving the use  
12          of resilience in—

13               (A) the emergency relief program under  
14               section 125 of title 23, United States Code; and

15               (B) emergency relief efforts;

16          (3) provide to division offices of the Federal  
17          Highway Administration and State departments of  
18          transportation information on the best practices de-  
19          veloped under paragraph (2); and

20          (4) develop and implement a process to track—

21               (A) the consideration of resilience as part  
22               of the emergency relief program under section  
23               125 of title 23, United States Code; and

24               (B) the costs of emergency relief projects.

1 **SEC. 1524. CERTAIN GATHERING LINES LOCATED ON FED-**  
2 **ERAL LAND AND INDIAN LAND.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **FEDERAL LAND.**—

5 (A) **IN GENERAL.**—The term “Federal  
6 land” means land the title to which is held by  
7 the United States.

8 (B) **EXCLUSIONS.**—The term “Federal  
9 land” does not include—

10 (i) a unit of the National Park Sys-  
11 tem;

12 (ii) a unit of the National Wildlife  
13 Refuge System;

14 (iii) a component of the National Wil-  
15 derness Preservation System;

16 (iv) a wilderness study area within the  
17 National Forest System; or

18 (v) Indian land.

19 (2) **GATHERING LINE AND ASSOCIATED FIELD**  
20 **COMPRESSION OR PUMPING UNIT.**—

21 (A) **IN GENERAL.**—The term “gathering  
22 line and associated field compression or pump-  
23 ing unit” means—

24 (i) a pipeline that is installed to trans-  
25 port oil, natural gas and related constitu-  
26 ents, or produced water from 1 or more

1 wells drilled and completed to produce oil  
2 or gas; and

3 (ii) if necessary, 1 or more compres-  
4 sors or pumps to raise the pressure of the  
5 transported oil, natural gas and related  
6 constituents, or produced water to higher  
7 pressures necessary to enable the oil, nat-  
8 ural gas and related constituents, or pro-  
9 duced water to flow into pipelines and  
10 other facilities.

11 (B) INCLUSIONS.—The term “gathering  
12 line and associated field compression or pump-  
13 ing unit” includes a pipeline or associated com-  
14 pression or pumping unit that is installed to  
15 transport oil or natural gas from a processing  
16 plant to a common carrier pipeline or facility.

17 (C) EXCLUSIONS.—The term “gathering  
18 line and associated field compression or pump-  
19 ing unit” does not include a common carrier  
20 pipeline.

21 (3) INDIAN LAND.—The term “Indian land”  
22 means land the title to which is held by—

23 (A) the United States in trust for an In-  
24 dian Tribe or an individual Indian; or

1           (B) an Indian Tribe or an individual In-  
2           dian subject to a restriction by the United  
3           States against alienation.

4           (4) PRODUCED WATER.—The term “produced  
5           water” means water produced from an oil or gas  
6           well bore that is not a fluid prepared at, or trans-  
7           ported to, the well site to resolve a specific oil or gas  
8           well bore or reservoir condition.

9           (5) SECRETARY.—The term “Secretary” means  
10          the Secretary of the Interior.

11         (b) CERTAIN GATHERING LINES.—

12           (1) IN GENERAL.—Subject to paragraph (2),  
13          the issuance of a sundry notice or right-of-way for  
14          a gathering line and associated field compression or  
15          pumping unit that is located on Federal land or In-  
16          dian land and that services any oil or gas well may  
17          be considered by the Secretary to be an action that  
18          is categorically excluded (as defined in section  
19          1508.4 of title 40, Code of Federal Regulations (as  
20          in effect on the date of enactment of this Act)) for  
21          purposes of the National Environmental Policy Act  
22          of 1969 (42 U.S.C. 4321 et seq.) if the gathering  
23          line and associated field compression or pumping  
24          unit—

1           (A) are within a field or unit for which an  
2 approved land use plan or an environmental  
3 document prepared pursuant to the National  
4 Environmental Policy Act of 1969 (42 U.S.C.  
5 4321 et seq.) analyzed transportation of oil,  
6 natural gas, or produced water from 1 or more  
7 oil or gas wells in the field or unit as a reason-  
8 ably foreseeable activity;

9           (B) are located adjacent to or within—

10           (i) any existing disturbed area; or

11           (ii) an existing corridor for a right-of-  
12 way; and

13           (C) would reduce—

14           (i) in the case of a gathering line and  
15 associated field compression or pumping  
16 unit transporting methane, the total quan-  
17 tity of methane that would otherwise be  
18 vented, flared, or unintentionally emitted  
19 from the field or unit; or

20           (ii) in the case of a gathering line and  
21 associated field compression or pumping  
22 unit not transporting methane, the vehic-  
23 ular traffic that would otherwise service  
24 the field or unit.

1           (2) APPLICABILITY.—Paragraph (1) shall apply  
2 to Indian land, or a portion of Indian land—

3           (A) to which the National Environmental  
4 Policy Act of 1969 (42 U.S.C. 4321 et seq.) ap-  
5 plies; and

6           (B) for which the Indian Tribe with juris-  
7 diction over the Indian land submits to the Sec-  
8 retary a written request that paragraph (1)  
9 apply to that Indian land (or portion of Indian  
10 land).

11       (e) EFFECT ON OTHER LAW.—Nothing in this sec-  
12 tion—

13           (1) affects or alters any requirement—

14           (A) relating to prior consent under—

15           (i) section 2 of the Act of February 5,  
16 1948 (62 Stat. 18, chapter 45; 25 U.S.C.  
17 324); or

18           (ii) section 16(e) of the Act of June  
19 18, 1934 (48 Stat. 987, chapter 576; 102  
20 Stat. 2939; 114 Stat. 47; 25 U.S.C.  
21 5123(e)) (commonly known as the “Indian  
22 Reorganization Act”);

23           (B) under section 306108 of title 54,  
24 United States Code; or

1           (C) under any other Federal law (including  
2           regulations) relating to Tribal consent for  
3           rights-of-way across Indian land; or

4           (2) makes the National Environmental Policy  
5           Act of 1969 (42 U.S.C. 4321 et seq.) applicable to  
6           land to which that Act otherwise would not apply.

7   **SEC. 1525. TECHNICAL CORRECTIONS.**

8           (a) Section 101(b)(1) of title 23, United States Code,  
9           is amended by inserting “Highways” after “and Defense”.

10          (b) Section 108(c)(3)(F) of title 23, United States  
11          Code, is amended—

12               (1) by inserting “of 1969 (42 U.S.C. 4321 et  
13               seq.)” after “Policy Act”; and

14               (2) by striking “this Act” and inserting “this  
15               title”.

16          (c) Section 112(b)(2) of title 23, United States Code,  
17          is amended by striking “(F) (F) Subparagraphs” and in-  
18          serting the following:

19                       “(F) EXCLUSION.—Subparagraphs”.

20          (d) Section 130(g) of title 23, United States Code,  
21          is amended—

22               (1) in the third sentence—

23                       (A) by striking “and Transportation,” and  
24                       inserting “and Transportation”; and

1           (B) by striking “thereafter,” and inserting  
2           “thereafter,”; and

3           (2) in the fifth sentence, by striking “railroad  
4           highway” and inserting “railway-highway”.

5           (e) Section 135(g) of title 23, United States Code,  
6 is amended—

7           (1) in paragraph (3), by striking “operators),”  
8           and inserting “operators,”; and

9           (2) in paragraph (6)(B), by striking “5310,  
10           5311, 5316, and 5317” and inserting “5310 and  
11           5311”.

12          (f) Section 140(a) of title 23, United States Code,  
13 is amended, in the third sentence, by inserting a comma  
14 after “Secretary”.

15          (g) Section 142 of title 23, United States Code, is  
16 amended by striking subsection (i).

17          (h) Section 148(i)(2)(D) of title 23, United States  
18 Code, is amended by striking “safety safety” and inserting  
19 “safety”.

20          (i) Section 166(a)(1) of title 23, United States Code,  
21 is amended by striking the paragraph designation and  
22 heading and all that follows through “A public authority”  
23 and inserting the following:

24                 “(1) AUTHORITY OF PUBLIC AUTHORITIES.—A  
25                 public authority”.

1 (j) Section 202 of title 23, United States Code, is  
2 amended—

3 (1) by striking “(25 U.S.C. 450 et seq.)” each  
4 place it appears and inserting “(25 U.S.C. 5301 et  
5 seq.)”;

6 (2) in subsection (a)(10)(B), by striking “(25  
7 U.S.C. 450e(b))” and inserting “(25 U.S.C.  
8 5307(b))”; and

9 (3) in subsection (b)(5), in the matter pre-  
10 ceeding subparagraph (A), by inserting “the” after  
11 “agreement under”.

12 (k) Section 207 of title 23, United States Code, is  
13 amended—

14 (1) in subsection (g), by striking “25 U.S.C.  
15 450j-1” each place it appears and inserting “25  
16 U.S.C. 5325”;

17 (2) in subsection (l)—

18 (A) in paragraph (1), by striking “(25  
19 U.S.C. 458aaa-5)” and inserting “(25 U.S.C.  
20 5386)”;

21 (B) in paragraph (2), by striking “(25  
22 U.S.C. 458aaa-6)” and inserting “(25 U.S.C.  
23 5387)”;

1           (C) in paragraph (3), by striking “(25  
2 U.S.C. 458aaa-7)” and inserting “(25 U.S.C.  
3 5388)”;

4           (D) in paragraph (4), by striking “(25  
5 U.S.C. 458aaa-9)” and inserting “(25 U.S.C.  
6 5390)”;

7           (E) in paragraph (5), by striking “(25  
8 U.S.C. 458aaa-10)” and inserting “(25 U.S.C.  
9 5391)”;

10          (F) in paragraph (6), by striking “(25  
11 U.S.C. 458aaa-11)” and inserting “(25 U.S.C.  
12 5392)”;

13          (G) in paragraph (7), by striking “(25  
14 U.S.C. 458aaa-14)” and inserting “(25 U.S.C.  
15 5395)”;

16          (H) in paragraph (8), by striking “(25  
17 U.S.C. 458aaa-15)” and inserting “(25 U.S.C.  
18 5396)”;

19          (I) in paragraph (9), by striking “(25  
20 U.S.C. 458aaa-17)” and inserting “(25 U.S.C.  
21 5398)”;

22          (3) in subsection (m)(2)—

23               (A) by striking “505” and inserting  
24 “501”; and

1           (B) by striking “(25 U.S.C. 450b;  
2           458aaa)” and inserting “(25 U.S.C. 5304;  
3           5381)”.

4           (h) Section 325(a)(2) of title 23, United States Code,  
5 is amended by striking subparagraphs (A) and (B) and  
6 inserting the following:

7           “(A) Projects described in section 104(h)  
8           (as in effect on the day before the date of en-  
9           actment of MAP-21).

10           “(B) Projects or activities described in sec-  
11           tion 101(a)(29) or 213 (as those provisions  
12           were in effect on the day before the date of en-  
13           actment of the FAST Act).”.

14           (m) Section 504(g)(6) of title 23, United States  
15 Code, is amended by striking “make grants or to” and  
16 inserting “make grants to”.

17 **TITLE II—TRANSPORTATION IN-**  
18 **FRASTRUCTURE FINANCE**  
19 **AND INNOVATION**

20 **SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE**  
21 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

22           (a) DEFINITIONS.—Section 601(a) of title 23, United  
23 States Code, is amended—

24           (1) by redesignating paragraphs (1) through  
25           (22) as paragraphs (2) through (23), respectively;

1           (2) by inserting before paragraph (2) (as so re-  
2 designated) the following:

3           “(1) ADMINISTRATIVELY ALLOCATED.—The  
4 term ‘administratively allocated’ means the alloca-  
5 tion by the Secretary of budget authority for a  
6 project under the TIFIA program that occurs  
7 when—

8           “(A) a potential applicant has been invited  
9 into the creditworthiness phase for a project  
10 under the TIFIA program; or

11           “(B) the project is subject to a master  
12 credit agreement, in accordance with section  
13 602(b)(2).”;

14           (3) in subparagraph (E) of paragraph (11) (as  
15 so redesignated), by striking “3 years” and inserting  
16 “5 years”; and

17           (4) in paragraph (13) (as so redesignated)—

18           (A) by striking subparagraph (E) and in-  
19 serting the following:

20           “(E) a project to improve or construct  
21 public infrastructure—

22           “(i) that—

23           “(I) is located within walking dis-  
24 tance of, and accessible to, a fixed  
25 guideway transit facility, passenger

1 rail station, intercity bus station, or  
2 intermodal facility, including a trans-  
3 portation, public utility, or capital  
4 project described in section  
5 5302(3)(G)(v) of title 49, and related  
6 infrastructure; or

7 “(H) is a project for economic  
8 development, including commercial  
9 and residential development, and re-  
10 lated infrastructure and activities—

11 “(aa) that incorporates pri-  
12 vate investment;

13 “(bb) that is physically or  
14 functionally related to a pas-  
15 senger rail station or multimodal  
16 station that includes rail service;

17 “(cc) for which the project  
18 sponsor has a high probability of  
19 commencing the contracting  
20 process for construction by not  
21 later than 90 days after the date  
22 on which credit assistance under  
23 the TIFIA program is provided  
24 for the project; and

- 1                   “(dd) that has a high prob-  
2                   ability of reducing the need for  
3                   financial assistance under any  
4                   other Federal program for the  
5                   relevant passenger rail station or  
6                   service by increasing ridership,  
7                   tenant lease payments, or other  
8                   activities that generate revenue  
9                   exceeding costs; and
- 10                   “(ii) for which, by not later than Sep-  
11                   tember 30, 2025, the Secretary has—
- 12                   “(I) received a letter of interest;  
13                   and
- 14                   “(II) determined that the project  
15                   is eligible for assistance;”;
- 16                   (B) in subparagraph (F), by striking the  
17                   period at the end and inserting a semicolon;  
18                   and
- 19                   (C) by adding at the end the following:
- 20                   “(G) an eligible airport-related project (as  
21                   defined in section 40117(a) of title 49) for  
22                   which, not later than September 30, 2024, the  
23                   Secretary has—
- 24                   “(i) received a letter of interest; and

1           “(ii) determined that the project is eli-  
2           gible for assistance; and

3           “(H) a project for the acquisition of plant  
4           and wildlife habitat pursuant to a conservation  
5           plan that—

6           “(i) has been approved by the Sec-  
7           retary of the Interior pursuant to section  
8           10 of the Endangered Species Act of 1973  
9           (16 U.S.C. 1539); and

10          “(ii) in the judgment of the Secretary,  
11          would mitigate the environmental impacts  
12          of transportation infrastructure projects  
13          otherwise eligible for assistance under this  
14          title.”.

15          (b) ELIGIBILITY.—Section 602(a) of title 23, United  
16          States Code, is amended—

17                 (1) in paragraph (2)—

18                         (A) in subparagraph (A)(iv)—

19                                 (i) by striking “a rating” and insert-  
20                                 ing “an investment-grade rating”; and

21                                 (ii) by striking “\$75,000,000” and in-  
22                                 serting “\$150,000,000”; and

23                         (B) in subparagraph (B)—

24                                 (i) by striking “the senior debt” and  
25                                 inserting “senior debt”; and

1           (ii) by striking “credit instrument is  
2           for an amount less than \$75,000,000” and  
3           inserting “total amount of other senior  
4           debt and the Federal credit instrument is  
5           less than \$150,000,000”; and

6           (2) in paragraph (5)(B)(ii), by striking “section  
7           601(a)(12)(E)” and inserting “section  
8           601(a)(13)(E)”.

9           (c) PROCESSING TIMELINES.—Section 602(d) of title  
10       23, United States Code, is amended—

11           (1) by redesignating paragraphs (1) and (2) as  
12           paragraphs (2) and (3), respectively;

13           (2) in paragraph (3) (as so redesignated), by  
14           striking “paragraph (1)” and inserting “paragraph  
15           (2)”; and

16           (3) by inserting before paragraph (2) (as so re-  
17           designated) the following:

18           “(1) PROCESSING TIMELINES.—Except in the  
19           case of an application described in subsection (a)(8)  
20           and to the maximum extent practicable, the Sec-  
21           retary shall provide an applicant with a specific esti-  
22           mate of the timeline for the approval or disapproval  
23           of the application of the applicant, which, to the  
24           maximum extent practicable, the Secretary shall en-  
25           deavor to complete by not later than 150 days after

1 the date on which the applicant submits a letter of  
2 interest to the Secretary.”.

3 (d) SECURED LOANS.—Section 603(e)(4)(A) of title  
4 23, United States Code, is amended—

5 (1) by striking “Any excess” and inserting the  
6 following:

7 “(i) IN GENERAL.—Except as pro-  
8 vided in clause (ii), any excess”; and

9 (2) by adding at the end the following:

10 “(ii) CERTAIN APPLICANTS.—In the  
11 case of a secured loan or other secured  
12 Federal credit instrument provided after  
13 the date of enactment of the America’s  
14 Transportation Infrastructure Act of 2019,  
15 if the obligor is a governmental entity,  
16 agency, or instrumentality, the obligor  
17 shall not be required to prepay the secured  
18 loan or other secured Federal credit instru-  
19 ment with any excess revenues described in  
20 clause (i) if the obligor enters into an  
21 agreement to use those excess revenues  
22 only for purposes authorized under this  
23 title or title 49.”.

1           (e) STREAMLINED APPLICATION PROCESS.—Section  
2 603(f) of title 23, United States Code, is amended by add-  
3 ing at the end the following:

4           “(3) ADDITIONAL TERMS FOR EXPEDITED DE-  
5 CISIONS.—

6           “(A) IN GENERAL.—Not later than 120  
7 days after the date of enactment of this para-  
8 graph, the Secretary shall implement an expe-  
9 dited decision timeline for public agency bor-  
10 rowers seeking secured loans that meet—

11           “(i) the terms under paragraph (2);

12           and

13           “(ii) the additional criteria described  
14 in subparagraph (B).

15           “(B) ADDITIONAL CRITERIA.—The addi-  
16 tional criteria referred to in subparagraph  
17 (A)(ii) are the following:

18           “(i) The secured loan is made on  
19 terms and conditions that substantially  
20 conform to the conventional terms and  
21 conditions established by the National Sur-  
22 face Transportation Innovative Finance  
23 Bureau.

24           “(ii) The secured loan is rated in the  
25 A category or higher.

1           “(iii) The TIFIA program share of el-  
2           igible project costs is 33 percent or less.

3           “(iv) The applicant demonstrates a  
4           reasonable expectation that the contracting  
5           process for the project can commence by  
6           not later than 90 days after the date on  
7           which a Federal credit instrument is obli-  
8           gated for the project under the TIFIA pro-  
9           gram.

10          “(v) The project has received a cat-  
11          egorical exclusion, a finding of no signifi-  
12          cant impact, or a record of decision under  
13          the National Environmental Policy Act of  
14          1969 (42 U.S.C. 4321 et seq.).

15          “(C) WRITTEN NOTICE.—The Secretary  
16          shall provide to an applicant seeking a secured  
17          loan under the expedited decision process under  
18          this paragraph a written notice informing the  
19          applicant whether the Secretary has approved  
20          or disapproved the application by not later than  
21          180 days after the date on which the Secretary  
22          submits to the applicant a letter indicating that  
23          the National Surface Transportation Innovative  
24          Finance Bureau has commenced the credit-  
25          worthiness review of the project.”.

1 (f) FUNDING.—

2 (1) IN GENERAL.—Section 608(a) of title 23,  
3 United States Code, is amended—

4 (A) by redesignating paragraphs (4) and  
5 (5) as paragraphs (5) and (6), respectively;

6 (B) by inserting after paragraph (3) the  
7 following:

8 “(4) LIMITATION FOR CERTAIN PROJECTS.—

9 “(A) TRANSIT-ORIENTED DEVELOPMENT  
10 PROJECTS.—For each fiscal year, the Secretary  
11 may use to carry out projects described in sec-  
12 tion 601(a)(13)(E) not more than 15 percent of  
13 the amounts made available to carry out the  
14 TIFIA program for that fiscal year.

15 “(B) AIRPORT-RELATED PROJECTS.—The  
16 Secretary may use to carry out projects de-  
17 scribed in section 601(a)(13)(G)—

18 “(i) for each fiscal year, not more  
19 than 15 percent of the amounts made  
20 available to carry out the TIFIA program  
21 under the America’s Transportation Infra-  
22 structure Act of 2019 for that fiscal year;  
23 and

24 “(ii) for the period of fiscal years  
25 2021 through 2025, not more than 15 per-

1 cent of the unobligated carryover balances  
 2 (as of October 1, 2020) made available to  
 3 carry out the TIFIA program, less the  
 4 total amount administratively allocated by  
 5 the Secretary as of that date.”; and

6 (C) by striking paragraph (6) (as so reded-  
 7 icated) and inserting the following:

8 “(6) ADMINISTRATIVE COSTS.—Of the amounts  
 9 made available to carry out the TIFIA program, the  
 10 Secretary may use not more than \$10,000,000 for  
 11 each of fiscal years 2021 through 2025 for the ad-  
 12 ministration of the TIFIA program.”.

13 (2) CONFORMING AMENDMENT.—Section  
 14 605(f)(1) of title 23, United States Code, is amend-  
 15 ed by striking “section 608(a)(5)” and inserting  
 16 “section 608(a)(6)”.

17 (g) STATUS REPORTS.—Section 609 of title 23,  
 18 United States Code, is amended by adding at the end the  
 19 following:

20 “(e) STATUS REPORTS.—

21 “(1) IN GENERAL.—The Secretary shall publish  
 22 on the website for the TIFIA program—

23 “(A) on a monthly basis, a current status  
 24 report on all submitted letters of interest and

1 applications received for assistance under the  
2 TIFIA program; and

3 “(B) on a quarterly basis, a current status  
4 report on all approved applications for assist-  
5 ance under the TIFIA program.

6 “(2) INCLUSIONS.—Each monthly and quar-  
7 terly status report under paragraph (1) shall in-  
8 clude, at a minimum, with respect to each project in-  
9 eluded in the status report—

10 “(A) the name of the party submitting the  
11 letter of interest or application;

12 “(B) the name of the project;

13 “(C) the date on which the letter of inter-  
14 est or application was received;

15 “(D) the estimated project eligible costs;

16 “(E) the type of credit assistance sought;

17 and

18 “(F) the anticipated fiscal year and quar-  
19 ter for closing of the credit assistance.”.

20 (h) STATE INFRASTRUCTURE BANK PROGRAM.—Sec-  
21 tion 610 of title 23, United States Code, is amended—

22 (1) in subsection (d)—

23 (A) in paragraph (1)(A), by striking “fis-  
24 cal years 2016 through 2020” and inserting

25 “fiscal years 2021 through 2025”;

1           (B) in paragraph (2), by striking “fiscal  
2           years 2016 through 2020” and inserting “fiscal  
3           years 2021 through 2025”; and

4           (C) in paragraph (3), by striking “fiscal  
5           years 2016 through 2020” and inserting “fiscal  
6           years 2021 through 2025”; and

7           (2) in subsection (k), by striking “fiscal years  
8           2016 through 2020” and inserting “fiscal years  
9           2021 through 2025”.

10          (i) REPORT.—Not later than September 30, 2024,  
11 the Secretary shall submit to the Committee on Environ-  
12 ment and Public Works of the Senate and the Committee  
13 on Transportation and Infrastructure of the House of  
14 Representatives a report on the impact of the amendment  
15 relating to airport-related projects under subsection  
16 (a)(4)(C) and subsection (f)(1)(B), including—

17           (1) information on the use of TIFIA program  
18           (as defined in section 601(a) of title 23, United  
19           States Code) funds for eligible airport-related  
20           projects (as defined in section 40117(a) of title 49,  
21           United States Code); and

22           (2) recommendations for modifications to the  
23           TIFIA program.

1                   **TITLE III—RESEARCH,**  
2                   **TECHNOLOGY, AND EDUCATION**

3                   **SEC. 3001. SURFACE TRANSPORTATION SYSTEM FUNDING**  
4                   **ALTERNATIVES.**

5                   (a) **IN GENERAL.**—The Secretary shall establish a  
6 program to test the feasibility of a road usage fee and  
7 other user-based alternative revenue mechanisms to main-  
8 tain the long-term solvency of the Highway Trust Fund,  
9 through pilot projects at the State and regional level.

10                  (b) **GRANTS.**—The Secretary shall provide grants to  
11 States and groups of States to carry out pilot projects  
12 under this section.

13                  (c) **APPLICATIONS.**—To be eligible for a grant under  
14 this section, a State or group of States shall submit to  
15 the Secretary an application at such time, in such manner,  
16 and containing such information as the Secretary may re-  
17 quire.

18                  (d) **OBJECTIVES.**—The Secretary shall ensure that  
19 the activities carried out using funds provided under this  
20 section meet the following objectives:

21                         (1) To test the design, acceptance, equity, and  
22 implementation of user-based alternative revenue  
23 mechanisms, including among differing income  
24 groups and among rural and urban drivers.

1           (2) To provide recommendations regarding  
2 adoption and implementation of user-based alter-  
3 native revenue mechanisms.

4           (3) To quantify and minimize the administra-  
5 tive costs of any potential user-based alternative rev-  
6 enue mechanisms.

7           (4) To test a variety of solutions, including the  
8 use of third-party vendors, for the collection of data  
9 and road usage fees, including the reliability and se-  
10 curity of those solutions and vendors.

11           (5) To test solutions to ensure the privacy and  
12 security of data collected for the purpose of imple-  
13 menting a user-based alternative revenue mecha-  
14 nism.

15           (6) To conduct public education and outreach  
16 to increase public awareness regarding the need for  
17 road usage fees or other user-based alternative rev-  
18 enue mechanisms for surface transportation pro-  
19 grams.

20           (7) To evaluate the ease of compliance and en-  
21 forcement of a variety of implementation approaches  
22 for different users of the transportation system.

23           (e) USE OF FUNDS.—A State or group of States that  
24 receives a grant under this section shall use the grant to

1 carry out activities to address the objectives described in  
2 subsection (d).

3 (f) CONSIDERATION.—The Secretary shall consider  
4 geographic diversity in awarding grants under this section.

5 (g) LIMITATIONS ON REVENUE COLLECTED.—Any  
6 revenue collected through a user-based alternative revenue  
7 mechanism established using funds provided under this  
8 section shall not be considered a toll under section 301  
9 of title 23, United States Code.

10 (h) FEDERAL SHARE.—The Federal share of the cost  
11 of an activity carried out under this section may not ex-  
12 ceed 70 percent of the total cost of the activity.

13 (i) FUNDING.—Of the funds made available to carry  
14 out section 503(b) of title 23, United States Code, for each  
15 of fiscal years 2021 through 2025, \$12,500,000 shall be  
16 used for State pilot projects under this section.

17 (j) REPEAL.—

18 (1) IN GENERAL.—Section 6020 of the FAST  
19 Act (23 U.S.C. 503 note; Public Law 114–94) is re-  
20 pealed.

21 (2) CLERICAL AMENDMENT.—The table of con-  
22 tents in section 1(b) of the FAST Act (Public Law  
23 114–94; 129 Stat. 1312) is amended by striking the  
24 item relating to section 6020.

1 **SEC. 3002. PERFORMANCE MANAGEMENT DATA SUPPORT**  
 2 **PROGRAM.**

3 Section 6028(e) of the FAST Act (23 U.S.C. 150  
 4 note; Public Law 114–94) is amended by striking “fiscal  
 5 years 2016 through 2020” and inserting “fiscal years  
 6 2021 through 2025”.

7 **SEC. 3003. DATA INTEGRATION PILOT PROGRAM.**

8 (a) **ESTABLISHMENT.**—The Secretary shall establish  
 9 a pilot program—

10 (1) to provide research and develop models that  
 11 integrate, in near-real-time, data from multiple  
 12 sources, including geolocated—

13 (A) weather conditions;

14 (B) roadway conditions;

15 (C) incidents, work zones, and other non-  
 16 recurring events related to emergency planning;  
 17 and

18 (D) information from emergency respond-  
 19 ers; and

20 (2) to facilitate data integration between the  
 21 Department, the National Weather Service, and  
 22 other sources of data that provide real-time data  
 23 with respect to roadway conditions during or as a re-  
 24 sult of severe weather events, including, at a min-  
 25 imum—

26 (A) winter weather;

1                   (B) heavy rainfall; and

2                   (C) tropical weather events.

3       (b) ~~REQUIREMENTS.~~—In carrying out subsection  
4 (a)(1), the Secretary shall—

5                   (1) address the safety, resiliency, and vulner-  
6 ability of the transportation system to disasters; and

7                   (2) develop tools for decisionmakers and other  
8 end-users who could use or benefit from the inte-  
9 grated data described in that subsection to improve  
10 public safety and mobility.

11       (c) ~~TREATMENT.~~—Except as otherwise provided in  
12 this section, the Secretary shall carry out activities under  
13 the pilot program under this section as if—

14                   (1) those activities were authorized under chap-  
15 ter 5 of title 23, United States Code; and

16                   (2) the funds made available to carry out the  
17 pilot program were made available under that chap-  
18 ter.

19       (d) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There is  
20 authorized to be appropriated to carry out this section  
21 \$2,500,000 for each of fiscal years 2021 through 2025,  
22 to remain available until expended.

1 **SEC. 3004. EMERGING TECHNOLOGY RESEARCH PILOT**  
2 **PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary shall establish  
4 a pilot program to conduct emerging technology research  
5 in accordance with this section.

6 (b) **ACTIVITIES.**—The pilot program under this sec-  
7 tion shall include—

8 (1) research and development activities relating  
9 to leveraging advanced and additive manufacturing  
10 technologies to increase the structural integrity and  
11 cost-effectiveness of surface transportation infra-  
12 structure; and

13 (2) research and development activities (includ-  
14 ing laboratory and test track supported accelerated  
15 pavement testing research regarding the impacts of  
16 connected, autonomous, and platooned vehicles on  
17 pavement and infrastructure performance)—

18 (A) to reduce the impact of automated and  
19 connected driving systems and advanced driver-  
20 assistance systems on pavement and infrastruc-  
21 ture performance; and

22 (B) to improve transportation infrastruc-  
23 ture design in anticipation of increased usage of  
24 automated driving systems and advanced driv-  
25 er-assistance systems.

1       (c) TREATMENT.—Except as otherwise provided in  
 2 this section, the Secretary shall carry out activities under  
 3 the pilot program under this section as if—

4           (1) those activities were authorized under chap-  
 5 ter 5 of title 23, United States Code; and

6           (2) the funds made available to carry out the  
 7 pilot program were made available under that chap-  
 8 ter.

9       (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
 10 authorized to be appropriated to carry out this section  
 11 \$5,000,000 for each of fiscal years 2021 through 2025,  
 12 to remain available until expended.

13 **SEC. 3005. RESEARCH AND TECHNOLOGY DEVELOPMENT**  
 14 **AND DEPLOYMENT.**

15       (a) IN GENERAL.—Section 503 of title 23, United  
 16 States Code, is amended—

17           (1) in subsection (a)(2), by striking “section  
 18 508” and inserting “section 6503 of title 49”;

19           (2) in subsection (b)—

20               (A) in paragraph (1)—

21                   (i) in subparagraph (C), by striking  
 22 “and” at the end;

23                   (ii) in subparagraph (D), by striking  
 24 the period at the end and inserting a semi-  
 25 colon; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(E) engage with public and private enti-  
4 ties to spur advancement of emerging trans-  
5 formative innovations through accelerated mar-  
6 ket readiness; and

7 “(F) consult frequently with public and  
8 private entities on new transportation tech-  
9 nologies.”;

10 (B) in paragraph (2)(C)—

11 (i) by redesignating clauses (x)  
12 through (xv) as clauses (xi) through (xvi),  
13 respectively; and

14 (ii) by inserting after clause (ix) the  
15 following:

16 “(x) safety measures to reduce the  
17 number of wildlife-vehicle collisions;”;

18 (C) in paragraph (3)—

19 (i) in subparagraph (B)(viii), by in-  
20 serting “, extreme weather events,” after  
21 “seismic activities”; and

22 (ii) in subparagraph (C)—

23 (I) in clause (xv), by inserting  
24 “extreme weather events and” after  
25 “withstand”;

1                   (II) in clause (xviii), by striking  
2                   “and” at the end;

3                   (III) in clause (xix), by striking  
4                   the period at the end and inserting “;  
5                   and”; and

6                   (IV) by adding at the end the fol-  
7                   lowing:

8                   “(xx) studies on the deployment and  
9                   revenue potential of the deployment of en-  
10                  ergy and broadband infrastructure in high-  
11                  way rights-of-way, including potential ad-  
12                  verse impacts of the use or nonuse of those  
13                  rights-of-way.”;

14                  (D) in paragraph (6)—

15                   (i) in subparagraph (A), by striking  
16                   “and” at the end;

17                   (ii) in subparagraph (B), by striking  
18                   the period at the end and inserting “;  
19                   and”; and

20                   (iii) by adding at the end the fol-  
21                   lowing:

22                   “(C) to support research on non-market-  
23                  ready technologies in consultation with public  
24                  and private entities.”;

25                  (E) in paragraph (7)(B)—

1 (i) in the matter preceding clause (i),  
2 by inserting “innovations by leading” after  
3 “support”;

4 (ii) in clause (iii), by striking “and”  
5 at the end;

6 (iii) in clause (iv), by striking the pe-  
7 riod at the end and inserting “; and”;

8 (iv) by adding at the end the fol-  
9 lowing:

10 “(v) the dissemination and evaluation  
11 of information from accelerated market  
12 readiness efforts, including non-market-  
13 ready technologies, to public and private  
14 entities in consultation with other offices of  
15 the Federal Highway Administration and  
16 key partners.”;

17 (F) in paragraph (8)(A), by striking “fu-  
18 ture highway” and all that follows through  
19 “needs.” and inserting the following: “current  
20 conditions and future needs of highways,  
21 bridges, and tunnels of the United States, in-  
22 cluding—

23 “(i) the conditions and performance of  
24 the highway network for freight movement;

1                   “(ii) intelligent transportation sys-  
2                   tems;

3                   “(iii) resilience needs; and

4                   “(iv) the backlog of current highway,  
5                   bridge, and tunnel needs.”; and

6                   (G) by adding at the end the following:

7                   “(9) ANALYSIS TOOLS.—The Secretary may de-  
8                   velop interactive modeling tools and databases  
9                   that—

10                   “(A) track the full condition of highway  
11                   assets, including interchanges, and the recon-  
12                   struction history of those assets;

13                   “(B) can be used to assess transportation  
14                   options;

15                   “(C) allow for the monitoring and mod-  
16                   eling of network-level traffic flows on highways;  
17                   and

18                   “(D) further Federal and State under-  
19                   standing of the importance of national and re-  
20                   gional connectivity and the need for long-dis-  
21                   tance and interregional passenger and freight  
22                   travel by highway and other surface transpor-  
23                   tation modes.”; and

24                   (3) in subsection (c)—

25                   (A) in paragraph (1)—

1 (i) in the matter preceding subpara-  
2 graph (A), by inserting “use of rights-of-  
3 way permissible under applicable law,”  
4 after “structures,”;

5 (ii) in subparagraph (D), by striking  
6 “and” at the end;

7 (iii) in subparagraph (E), by striking  
8 the period at the end and inserting “;  
9 and”; and

10 (iv) by adding at the end the fol-  
11 lowing:

12 “(F) disseminating and evaluating infor-  
13 mation from accelerated market readiness ef-  
14 forts, including non-market-ready technologies,  
15 to public and private entities.”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (B)(iii), by insert-  
18 ing “and early stage” before “innovative”;  
19 and

20 (ii) by adding at the end the fol-  
21 lowing:

22 “(D) REPORT.—Not later than 2 years  
23 after the date of enactment of this subpara-  
24 graph and every 2 years thereafter, the Sec-  
25 retary shall submit to the Committee on Envi-

1           ronment and Public Works of the Senate and  
2           the Committee on Transportation and Infra-  
3           structure of the House of Representatives and  
4           make publicly available on an internet website  
5           a report that describes—

6                   “(i) the activities the Secretary has  
7                   undertaken to carry out the program es-  
8                   tablished under paragraph (1); and

9                   “(ii) how and to what extent the Sec-  
10                  retary has worked to disseminate non-mar-  
11                  ket-ready technologies to public and pri-  
12                  vate entities.”;

13          (C) in paragraph (3)—

14                  (i) in subparagraph (C), by striking  
15                  “fiscal years 2016 through 2020” and in-  
16                  serting “fiscal years 2021 through 2025”;  
17                  and

18                  (ii) in subparagraph (D)—

19                          (I) in clause (i), by striking “an-  
20                          nually” and inserting “once every 3  
21                          years”;

22                          (II) in clause (ii)—

23                                  (aa) in subclause (III), by  
24                                  striking “and” at the end;

1                   (bb) in subclause (IV), by  
2 striking the period at the end  
3 and inserting a semicolon; and

4                   (cc) by adding at the end  
5 the following:

6                   “(V) pavement monitoring and  
7 data collection;

8                   “(VI) pavement durability and  
9 resilience;

10                   “(VII) stormwater management;

11                   “(VIII) vehicle efficiency;

12                   “(IX) the energy efficiency of the  
13 production of paving materials and  
14 the ability of paving materials to en-  
15 hance the environment and promote  
16 sustainability; and

17                   “(X) integration of renewable en-  
18 ergy in pavement designs.”; and

19                   (D) by adding at the end the following:

20                   “(5) ACCELERATED IMPLEMENTATION AND DE-  
21 PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION  
22 MANAGEMENT SYSTEMS.—

23                   “(A) IN GENERAL.—The Secretary shall  
24 establish and implement a program under the  
25 technology and innovation deployment program

1 established under paragraph (1) to promote,  
2 implement, deploy, demonstrate, showcase, sup-  
3 port, and document the application of advanced  
4 digital construction management systems, prac-  
5 tices, performance, and benefits.

6 “(B) GOALS.—The goals of the accelerated  
7 implementation and deployment of advanced  
8 digital construction management systems pro-  
9 gram established under subparagraph (A) shall  
10 include—

11 “(i) accelerated State adoption of ad-  
12 vanced digital construction management  
13 systems applied throughout the construc-  
14 tion lifecycle (including through the design  
15 and engineering, construction, and oper-  
16 ations phases) that—

17 “(I) maximize interoperability  
18 with other systems, products, tools, or  
19 applications;

20 “(II) boost productivity;

21 “(III) manage complexity;

22 “(IV) reduce project delays and  
23 cost overruns; and

24 “(V) enhance safety and quality;

1           “(ii) more timely and productive infor-  
2           mation-sharing among stakeholders  
3           through reduced reliance on paper to man-  
4           age construction processes and deliverables  
5           such as blueprints, design drawings, pro-  
6           curement and supply-chain orders, equip-  
7           ment logs, daily progress reports, and  
8           punch lists;

9           “(iii) deployment of digital manage-  
10          ment systems that enable and leverage the  
11          use of digital technologies on construction  
12          sites by contractors, such as state-of-the-  
13          art automated and connected machinery  
14          and optimized routing software that allows  
15          construction workers to perform tasks fast-  
16          er, safer, more accurately, and with mini-  
17          mal supervision;

18          “(iv) the development and deployment  
19          of best practices for use in digital con-  
20          struction management;

21          “(v) increased technology adoption  
22          and deployment by States and units of  
23          local government that enables project spon-  
24          sors—

1           “(I) to integrate the adoption of  
2           digital management systems and tech-  
3           nologies in contracts; and

4           “(II) to weigh the cost of  
5           digitization and technology in setting  
6           project budgets;

7           “(vi) technology training and work-  
8           force development to build the capabilities  
9           of project managers and sponsors that en-  
10          ables States and units of local govern-  
11          ment—

12          “(I) to better manage projects  
13          using advanced construction manage-  
14          ment technologies; and

15          “(II) to properly measure and re-  
16          ward technology adoption across  
17          projects of the State or unit of local  
18          government;

19          “(vii) development of guidance to as-  
20          sist States in updating regulations of the  
21          State to allow project sponsors and con-  
22          tractors—

23          “(I) to report data relating to the  
24          project in digital formats; and

1                   “(H) to fully capture the effi-  
2                   ciencies and benefits of advanced dig-  
3                   ital construction management systems  
4                   and related technologies;

5                   “(viii) reduction in the environmental  
6                   footprint of construction projects using ad-  
7                   vanced digital construction management  
8                   systems resulting from elimination of con-  
9                   gestion through more efficient projects;  
10                  and

11                  “(ix) enhanced worker and pedestrian  
12                  safety resulting from increased trans-  
13                  parency.

14                  “(C) FUNDING.—For each of fiscal years  
15                  2021 through 2025, the Secretary shall obligate  
16                  from funds made available to carry out this  
17                  subsection \$20,000,000 to accelerate the de-  
18                  ployment and implementation of advanced dig-  
19                  ital construction management systems.

20                  “(D) PUBLICATION.—

21                  “(i) IN GENERAL.—Not less fre-  
22                  quently than annually, the Secretary shall  
23                  issue and make available to the public on  
24                  a website a report on—

1           “(I) progress made in the imple-  
2           mentation of advanced digital man-  
3           agement systems by States; and

4           “(II) the costs and benefits of  
5           the deployment of new technology and  
6           innovations that substantially and di-  
7           rectly resulted from the program es-  
8           tablished under this paragraph.

9           “(ii) INCLUSIONS.—The report under  
10          clause (i) may include an analysis of—

11           “(I) Federal, State, and local  
12          cost savings;

13           “(II) project delivery time im-  
14          provements;

15           “(III) congestion impacts; and

16           “(IV) safety improvements for  
17          roadway users and construction work-  
18          ers.”.

19          (b) ~~ADVANCED TRANSPORTATION TECHNOLOGIES~~  
20 ~~AND INNOVATIVE MOBILITY DEPLOYMENT.~~—Section  
21 503(c)(4) of title 23, United States Code, is amended—

22           (1) in the heading, by inserting “~~AND INNOVA-~~  
23 ~~TIVE MOBILITY~~” before “~~DEPLOYMENT~~”;

24           (2) by striking subparagraph (A) and inserting  
25          the following:

1           “(A) IN GENERAL.—The Secretary shall  
 2 provide grants to eligible entities to deploy, in-  
 3 stall, and operate advanced transportation tech-  
 4 nologies to improve safety, mobility, efficiency,  
 5 system performance, intermodal connectivity,  
 6 and infrastructure return on investment.”;

7           (3) in subparagraph (B)—

8           (A) in clause (i), by striking “the enhanced  
 9 use” and inserting “optimization”;

10          (B) in clause (v)—

11           (i) by striking “transit,” and inserting  
 12 “work zone, weather, transit, para-  
 13 transit,”; and

14           (ii) by striking “and accessible trans-  
 15 portation” and inserting “; accessible, and  
 16 integrated transportation and transpor-  
 17 tation services”;

18          (C) by redesignating clauses (vi) through  
 19 (viii) as clauses (vii), (viii), and (x), respec-  
 20 tively;

21          (D) by inserting after clause (v) the fol-  
 22 lowing:

23           “(vi) facilitate account-based pay-  
 24 ments for transportation access and serv-

1           ices and integrate payment systems across  
2           modes;”;

3           ~~(E)~~ in clause (viii) (as so redesignated), by  
4 striking “or” at the end; and

5           ~~(F)~~ by inserting after clause (viii) (as so  
6 redesignated) the following:

7                   “~~(ix)~~ incentivize travelers—

8                           ~~(I)~~ to share trips during periods  
9                           in which travel demand exceeds sys-  
10                           tem capacity; or

11                           ~~(II)~~ to shift trips to periods in  
12                           which travel demand does not exceed  
13                           system capacity; or”;

14           ~~(4)~~ in subparagraph (C)—

15                   ~~(A)~~ in clause (i), by striking “Not later”  
16 and all that follows through “thereafter” and  
17 inserting “Each fiscal year for which funding is  
18 made available for activities under this para-  
19 graph”; and

20           ~~(B)~~ in clause (ii)—

21                           ~~(i)~~ in subclause (I), by inserting “mo-  
22                           bility,” after “safety;” and

23                           ~~(ii)~~ in subclause (II)—

24                                   ~~(I)~~ in item (bb), by striking  
25                                   “and” at the end;

1                   (II) in item (cc), by striking the  
2                   period at the end and inserting “;  
3                   and”; and

4                   (III) by adding at the end the  
5                   following:

6                                 “(dd) facilitating payment  
7                                 for transportation services.”;

8                   (5) in subparagraph (D)—

9                                 (A) in clause (i), by striking “Not later”  
10                                 and all that follows through “thereafter” and  
11                                 inserting “Each fiscal year for which funding is  
12                                 made available for activities under this para-  
13                                 graph”; and

14                                 (B) in clause (ii)—

15                                         (i) by striking “In awarding” and in-  
16                                         serting the following:

17                                                 “(I) IN GENERAL.—Subject to  
18                                                 subclause (II), in awarding”; and

19                                                 (ii) by adding at the end the fol-  
20                                                 lowing:

21                                                         “(II) RURAL SET-ASIDE.—Not  
22                                                         less than 20 percent of the amounts  
23                                                         made available to carry out this para-  
24                                                         graph shall be reserved for projects  
25                                                         serving rural areas.”;

1           (6) in subparagraph (E)—

2                   (A) by redesignating clauses (iii) through  
3           (ix) as clauses (iv), (v), (vi), (vii), (viii), (xi),  
4           and (xiv), respectively;

5                   (B) by inserting after clause (ii) the fol-  
6           lowing:

7                           “(iii) advanced transportation tech-  
8                           nologies to improve emergency evacuation  
9                           and response by Federal, State, and local  
10                           authorities;”;

11                   (C) by inserting after clause (viii) (as so  
12           redesignated) the following:

13                           “(ix) integrated corridor management  
14                           systems;

15                           “(x) advanced parking reservation or  
16                           variable pricing systems;”;

17                   (D) in clause (xi) (as so redesignated)—

18                           (i) by inserting “; toll collection,”  
19                           after “pricing”; and

20                           (ii) by striking “or” at the end;

21                   (E) by inserting after clause (xi) (as so re-  
22           designated) the following:

23                           “(xii) technology that enhances high  
24                           occupancy vehicle toll lanes, cordon prie-  
25                           ing, or congestion pricing;

- 1           “(xiii) integration of transportation  
2           service payment systems; or”; and  
3           (F) in clause (xiv) (as so redesignated)—  
4           (i) by striking “and access” and in-  
5           serting “; access, and on-demand transpor-  
6           tation service”; and  
7           (ii) by inserting “and other shared-use  
8           mobility applications” after “ridesharing”;  
9           (7) in subparagraph (F)(ii)(IV), by striking “ef-  
10          ficiency and multimodal system performance” and  
11          inserting “mobility, efficiency, multimodal system  
12          performance, and payment system performance”;  
13          (8) in subparagraph (G)—  
14          (A) by redesignating clauses (vi) through  
15          (viii) as clauses (vii) through (ix), respectively;  
16          and  
17          (B) by inserting after clause (v) the fol-  
18          lowing:  
19                  “(vi) improved integration of payment  
20                  systems;”;  
21          (9) in subparagraph (I)(i), by striking “fiscal  
22          years 2016 through 2020” and inserting “fiscal  
23          years 2021 through 2025”; and  
24          (10) in subparagraph (N)—

1           (A) in clause (i), by striking “representing  
2           a population of over 200,000”; and

3           (B) in clause (iii), in the matter preceding  
4           subclause (I), by striking “a any” and inserting  
5           “any”.

6           (c) ~~CENTER OF EXCELLENCE ON NEW MOBILITY~~  
7 ~~AND AUTOMATED VEHICLES.~~—Section 503(c) of title 23,  
8 United States Code (as amended by subsection (a)(3)(D)),  
9 is amended by adding at the end the following:

10           “~~(6) CENTER OF EXCELLENCE.~~—

11           “~~(A) DEFINITIONS.~~—In this paragraph:

12           “~~(i) AUTOMATED VEHICLE.~~—The  
13           term ‘automated vehicle’ means a motor  
14           vehicle that—

15           “~~(I)~~ has a taxable gross weight  
16           (as defined in section 41.4482(b)—1 of  
17           title 26, Code of Federal Regulations  
18           (or successor regulations)) of 10,000  
19           pounds or less; and

20           “~~(II)~~ is capable of performing the  
21           entire task of driving (including steer-  
22           ing, accelerating and decelerating, and  
23           reacting to external stimulus) without  
24           human intervention.

1                   “(ii) NEW MOBILITY.—The term ‘new  
2                   mobility’ includes shared services such  
3                   as—

4                               “(I) docked and dockless bicycles;

5                               “(II) docked and dockless electric  
6                   scooters; and

7                               “(III) transportation network  
8                   companies.

9                   “(B) ESTABLISHMENT.—Not later than 1  
10                   year after the date of enactment of the Amer-  
11                   ica’s Transportation Infrastructure Act of  
12                   2019, the Secretary shall establish a Center of  
13                   Excellence to collect, conduct, and fund re-  
14                   search on the impacts of new mobility and auto-  
15                   mated vehicles on land use, urban design,  
16                   transportation, real estate, equity, and munic-  
17                   ipal budgets.

18                   “(C) PARTNERSHIPS.—In establishing the  
19                   Center of Excellence under subparagraph (B),  
20                   the Secretary shall enter into appropriate part-  
21                   nerships with any institution of higher edu-  
22                   cation (as defined in section 101 of the Higher  
23                   Education Act of 1965 (20 U.S.C. 1001)) or  
24                   public or private research entity.”.

1 (d) ACCELERATED IMPLEMENTATION AND DEPLOY-  
2 MENT OF ADVANCED DIGITAL CONSTRUCTION MANAGE-  
3 MENT SYSTEMS.—Not later than 1 year after the date of  
4 enactment of this Act, the Secretary shall submit to the  
5 Committee on Environment and Public Works of the Sen-  
6 ate and the Committee on Transportation and Infrastruc-  
7 ture of the House of Representatives a report that in-  
8 cludes—

9 (1) a description of—

10 (A) the current status of the use of ad-  
11 vanced digital construction management sys-  
12 tems in each State; and

13 (B) the progress of each State toward ac-  
14 celerating the adoption of advanced digital con-  
15 struction management systems; and

16 (2) an analysis of the savings in project delivery  
17 time and project costs that can be achieved through  
18 the use of advanced digital construction manage-  
19 ment systems.

20 (e) OPEN CHALLENGE AND RESEARCH INITIATIVE  
21 PILOT PROGRAM.—

22 (1) IN GENERAL.—The Secretary shall establish  
23 an open challenge and research proposal pilot pro-  
24 gram under which eligible entities may propose open

1 highway challenges and research proposals that are  
2 linked to identified or potential research needs.

3 ~~(2) REQUIREMENTS.~~—A research proposal sub-  
4 mitted to the Secretary by an eligible entity shall ad-  
5 dress—

6 ~~(A)~~ a research need identified by the Sec-  
7 retary or the Administrator of the Federal  
8 Highway Administration; or

9 ~~(B)~~ an issue or challenge that the Sec-  
10 retary determines to be important.

11 ~~(3) ELIGIBLE ENTITIES.~~—An entity eligible to  
12 submit a research proposal under the pilot program  
13 under paragraph (1) is—

14 ~~(A)~~ a State;

15 ~~(B)~~ a unit of local government;

16 ~~(C)~~ a university transportation center  
17 under section 5505 of title 49, United States  
18 Code;

19 ~~(D)~~ a private nonprofit organization;

20 ~~(E)~~ a private sector organization working  
21 in collaboration with an entity described in sub-  
22 paragraphs (A) through (D); and

23 ~~(F)~~ any other individual or entity that the  
24 Secretary determines to be appropriate.

25 ~~(4) PROJECT REVIEW.~~—The Secretary shall—

1           (A) review each research proposal sub-  
2           mitted under the pilot program under para-  
3           graph (1); and

4           (B) provide to the eligible entity a written  
5           notice that—

6                   (i) if the research proposal is not se-  
7                   lected—

8                           (I) notifies the eligible entity that  
9                           the research proposal has not been se-  
10                          lected for funding;

11                          (II) provides an explanation as to  
12                          why the research proposal was not se-  
13                          lected, including if the research pro-  
14                          posal does not cover an area of need;  
15                          and

16                          (III) if applicable, recommend  
17                          that the research proposal be sub-  
18                          mitted to another research program  
19                          and provide guidance and direction to  
20                          the eligible entity and the proposed  
21                          research program office; and

22                          (ii) if the research proposal is se-  
23                          lected, notifies the eligible entity that the  
24                          research proposal has been selected for  
25                          funding.

1           (5) ~~FEDERAL SHARE.~~—

2                   (A) ~~IN GENERAL.~~—The Federal share of  
3 the cost of an activity carried out under this  
4 subsection shall not exceed 80 percent.

5                   (B) ~~NON-FEDERAL SHARE.~~—All costs di-  
6 rectly incurred by the non-Federal partners, in-  
7 cluding personnel, travel, facility, and hardware  
8 development costs, shall be credited toward the  
9 non-Federal share of the cost of an activity ear-  
10 ried out under this subsection.

11           (f) ~~CONFORMING AMENDMENT.~~—Section 167 of title  
12 23, United States Code, is amended—

13                   (1) by striking subsection (h); and

14                   (2) by redesignating subsections (i) through (l)  
15 as subsections (h) through (k), respectively.

16 **SEC. 3006. WORKFORCE DEVELOPMENT, TRAINING, AND**  
17 **EDUCATION.**

18           (a) ~~SURFACE TRANSPORTATION WORKFORCE DE-~~  
19 ~~VELOPMENT, TRAINING, AND EDUCATION.~~—Section  
20 504(e) of title 23, United States Code, is amended—

21                   (1) in paragraph (1)—

22                           (A) by redesignating subparagraphs (D)  
23 through (G) as subparagraphs (E), (F), (H),  
24 and (I), respectively;

1           (B) by inserting after subparagraph (C)  
2 the following:

3           “(D) pre-apprenticeships, apprenticeships,  
4 and career opportunities for on-the-job train-  
5 ing;”;

6           (C) in subparagraph (E) (as so redesign-  
7 ated), by striking “or community college” and  
8 inserting “, college, community college, or voca-  
9 tional school”; and

10          (D) by inserting after subparagraph (F)  
11 (as so redesignated) the following:

12          “(G) activities associated with workforce  
13 training and employment services, such as tar-  
14 geted outreach and partnerships with industry,  
15 economic development organizations, workforce  
16 development boards, and labor organizations;”;

17          (2) in paragraph (2), by striking “paragraph  
18 (1)(G)” and inserting “paragraph (1)(I)”; and

19          (3) in paragraph (3)—

20           (A) by striking the period at the end and  
21 inserting a semicolon;

22           (B) by striking “including activities” and  
23 inserting the following: “including—

24           “(A) activities”; and

25           (C) by adding at the end the following:

1           “(B) activities that address current work-  
2           force gaps, such as work on construction  
3           projects, of State and local transportation agen-  
4           cies;

5           “(C) activities to develop a robust surface  
6           transportation workforce with new skills result-  
7           ing from emerging transportation technologies;  
8           and

9           “(D) activities to attract new sources of  
10          job-creating investment.”.

11          (b) TRANSPORTATION EDUCATION AND TRAINING  
12          DEVELOPMENT AND DEPLOYMENT PROGRAM.—Section  
13          504(f) of title 23, United States Code, is amended—

14                 (1) in the subsection heading, by striking “DE-  
15                 VELOPMENT” and inserting “AND TRAINING DEVEL-  
16                 OPMENT AND DEPLOYMENT”;

17                 (2) by striking paragraph (1) and inserting the  
18                 following:

19                         “(1) ESTABLISHMENT.—The Secretary shall es-  
20                         tablish a program to make grants to educational in-  
21                         stitutions or State departments of transportation, in  
22                         partnership with industry and relevant Federal de-  
23                         partments and agencies—

24                                 “(A) to develop, test, and review new cur-  
25                                 ricula and education programs to train individ-

1           uals at all levels of the transportation work-  
2           force; or

3           “~~(B)~~ to implement the new curricula and  
4           education programs to provide for hands-on ca-  
5           reer opportunities to meet current and future  
6           needs.”;

7           ~~(3)~~ in paragraph ~~(2)~~—

8           (A) in the matter preceding subparagraph  
9           (A), by striking “shall” and inserting “may”;

10          (B) in subparagraph (A), by inserting  
11          “current or future” after “specific”; and

12          (C) in subparagraph (E)—

13           (i) by striking “in nontraditional de-  
14           partments”;

15           (ii) by inserting “construction,” after  
16           “such as”; and

17           (iii) by inserting “or emerging” after  
18           “industrial”;

19          (4) by redesignating paragraph ~~(3)~~ as para-  
20          graph (4); and

21          (5) by inserting after paragraph ~~(2)~~ the fol-  
22          lowing:

23           “~~(3)~~ REPORTING.—The Secretary shall estab-  
24           lish minimum reporting requirements for grant re-  
25           cipients under this subsection, which may include;

1 with respect to a program carried out with a grant  
2 under this subsection—

3 “(A) the percentage or number of program  
4 participants that are employed during the sec-  
5 ond quarter after exiting the program;

6 “(B) the percentage or number of program  
7 participants that are employed during the  
8 fourth quarter after exiting the program;

9 “(C) the median earnings of program par-  
10 ticipants that are employed during the second  
11 quarter after exiting the program;

12 “(D) the percentage or number of program  
13 participants that obtain a recognized postsec-  
14 ondary credential or a secondary school diploma  
15 (or a recognized equivalent) during participa-  
16 tion in the program or by not later than 1 year  
17 after exiting the program; and

18 “(E) the percentage or number of program  
19 participants that, during a program year—

20 “(i) are in an education or training  
21 program that leads to a recognized post-  
22 secondary credential or employment; and

23 “(ii) are achieving measurable skill  
24 gains toward such a credential or employ-  
25 ment.”.

1 (e) USE OF FUNDS.—Section 504 of title 23, United  
 2 States Code, is amended by adding at the end the fol-  
 3 lowing:

4 “(i) USE OF FUNDS.—The Secretary may use funds  
 5 made available to carry out this section to carry out activi-  
 6 ties related to workforce development and technical assist-  
 7 ance and training if—

8 “(1) the activities are authorized by another  
 9 provision of this title; and

10 “(2) the activities are for entities other than  
 11 employees of the Secretary, such as States, units of  
 12 local government, Federal land management agen-  
 13 cies, and Tribal governments.”.

14 **SEC. 3007. WILDLIFE-VEHICLE COLLISION RESEARCH.**

15 (a) GENERAL AUTHORITIES AND REQUIREMENTS  
 16 REGARDING WILDLIFE AND HABITAT.—Section  
 17 515(h)(2) of title 23, United States Code, is amended—

18 (1) in subparagraph (K), by striking “and” at  
 19 the end;

20 (2) by redesignating subparagraphs (D), (E),  
 21 (F), (G), (H), (I), (J), (K), and (L) as subpara-  
 22 graphs (E), (F), (G), (H), (I), (K), (L), (M), and  
 23 (O), respectively;

24 (3) by inserting after subparagraph (C) the fol-  
 25 lowing:

1           “(D) a representative from a State, local,  
2           or regional wildlife, land use, or resource man-  
3           agement agency;”;

4           (4) by inserting after subparagraph (I) (as so  
5           redesignated) the following:

6           “(J) an academic researcher who is a bio-  
7           logical or ecological scientist with expertise in  
8           transportation issues;”;

9           (5) by inserting after subparagraph (M) (as so  
10          redesignated) the following:

11          “(N) a representative from a public inter-  
12          est group concerned with the impact of the  
13          transportation system on terrestrial and aquatic  
14          species and the habitat of those species; and”.

15          (b) **ANIMAL DETECTION SYSTEMS RESEARCH AND**  
16 **DEVELOPMENT.**—Section 516(b)(6) of title 23, United  
17 States Code, is amended by inserting “, including animal  
18 detection systems to reduce the number of wildlife-vehicle  
19 collisions” after “systems”.

20 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

21          (a) **SHORT TITLE.**—*This Act may be cited as the*  
22 *“America’s Transportation Infrastructure Act of 2019”.*

23          (b) **TABLE OF CONTENTS.**—*The table of contents for*  
24 *this Act is as follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. Definitions.*
- Sec. 3. Effective date.*

## TITLE I—FEDERAL-AID HIGHWAYS

## Subtitle A—Authorizations and Programs

- Sec. 1101. Authorization of appropriations.*
- Sec. 1102. Obligation ceiling.*
- Sec. 1103. Definitions.*
- Sec. 1104. Apportionment.*
- Sec. 1105. National highway performance program.*
- Sec. 1106. Emergency relief.*
- Sec. 1107. Federal share payable.*
- Sec. 1108. Railway-highway grade crossings.*
- Sec. 1109. Surface transportation block grant program.*
- Sec. 1110. Nationally significant freight and highway projects.*
- Sec. 1111. Highway safety improvement program.*
- Sec. 1112. Federal lands transportation program.*
- Sec. 1113. Federal lands access program.*
- Sec. 1114. National highway freight program.*
- Sec. 1115. Congestion mitigation and air quality improvement program.*
- Sec. 1116. National scenic byways program.*
- Sec. 1117. Alaska Highway.*
- Sec. 1118. Toll roads, bridges, tunnels, and ferries.*
- Sec. 1119. Bridge investment program.*
- Sec. 1120. Safe routes to school program.*
- Sec. 1121. Highway use tax evasion projects.*
- Sec. 1122. Construction of ferry boats and ferry terminal facilities.*
- Sec. 1123. Balance exchanges for infrastructure program.*
- Sec. 1124. Safety incentive programs.*
- Sec. 1125. Wildlife crossing safety.*
- Sec. 1126. Consolidation of programs.*
- Sec. 1127. State freight advisory committees.*
- Sec. 1128. Territorial and Puerto Rico highway program.*
- Sec. 1129. Nationally significant Federal lands and Tribal projects program.*
- Sec. 1130. Tribal high priority projects program.*

## Subtitle B—Planning and Performance Management

- Sec. 1201. Transportation planning.*
- Sec. 1202. Fiscal constraint on long-range transportation plans.*
- Sec. 1203. State human capital plans.*
- Sec. 1204. Accessibility data pilot program.*
- Sec. 1205. Prioritization process pilot program.*
- Sec. 1206. Exemptions for low population density states.*
- Sec. 1207. Travel demand data and modeling.*
- Sec. 1208. Increasing safe and accessible transportation options.*

## Subtitle C—Project Delivery and Process Improvement

- Sec. 1301. Efficient environmental reviews for project decisionmaking and One Federal Decision.*
- Sec. 1302. Work zone process reviews.*
- Sec. 1303. Transportation management plans.*
- Sec. 1304. Intelligent transportation systems.*
- Sec. 1305. Alternative contracting methods.*
- Sec. 1306. Flexibility for projects.*
- Sec. 1307. Improved Federal-State stewardship and oversight agreements.*

- Sec. 1308. Geomatic data.*
- Sec. 1309. Evaluation of projects within an operational right-of-way.*
- Sec. 1310. Department of Transportation reports.*
- Sec. 1311. Preliminary engineering.*

*Subtitle D—Climate Change*

- Sec. 1401. Grants for charging and fueling infrastructure to modernize and re-connect America for the 21st century.*
- Sec. 1402. Reduction of truck emissions at port facilities.*
- Sec. 1403. Carbon reduction incentive programs.*
- Sec. 1404. Congestion relief program.*
- Sec. 1405. Freight plans.*
- Sec. 1406. Utilizing significant emissions with innovative technologies.*
- Sec. 1407. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) grant program.*
- Sec. 1408. Diesel emissions reduction.*

*Subtitle E—Miscellaneous*

- Sec. 1501. Additional deposits into Highway Trust Fund.*
- Sec. 1502. Stopping threats on pedestrians.*
- Sec. 1503. Transfer and sale of toll credits.*
- Sec. 1504. Forest Service Legacy Roads and Trails Remediation Program.*
- Sec. 1505. Disaster relief mobilization pilot program.*
- Sec. 1506. Appalachian regional development.*
- Sec. 1507. Requirements for transportation projects carried out through public-private partnerships.*
- Sec. 1508. Community connectivity pilot program.*
- Sec. 1509. Repeal of rescission.*
- Sec. 1510. Federal interagency working group for conversion of federal fleet to hybrid-electric vehicles, electric vehicles, and alternative fueled vehicles.*
- Sec. 1511. Cybersecurity tool; cyber coordinator.*
- Sec. 1512. Study on most effective upgrades to roadway infrastructure.*
- Sec. 1513. Study on vehicle-to-infrastructure communication technology.*
- Sec. 1514. Nonhighway recreational fuel study.*
- Sec. 1515. Buy America.*
- Sec. 1516. Report on data-driven infrastructure traffic safety improvements.*
- Sec. 1517. High priority corridors on the National Highway System.*
- Sec. 1518. Interstate weight limits.*
- Sec. 1519. Interstate exemption.*
- Sec. 1520. Report on air quality improvements.*
- Sec. 1521. Roadside highway safety hardware.*
- Sec. 1522. Permeable pavements study.*
- Sec. 1523. Emergency relief projects.*
- Sec. 1524. Certain gathering lines located on Federal land and Indian land.*
- Sec. 1525. Sense of Senate relating to offsets.*
- Sec. 1526. Study on stormwater best management practices.*
- Sec. 1527. Stormwater best management practices reports.*
- Sec. 1528. Invasive plant elimination program.*
- Sec. 1529. Over-the-road bus tolling equity.*
- Sec. 1530. Bridge terminology.*
- Sec. 1531. Technical corrections.*
- Sec. 1532. Study of impacts on roads from self-driving vehicles.*

*TITLE II—TRANSPORTATION INFRASTRUCTURE FINANCE AND  
INNOVATION*

*Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998  
amendments.*

*TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION*

*Sec. 3001. Surface transportation system funding alternatives.*  
*Sec. 3002. Performance management data support program.*  
*Sec. 3003. Data integration pilot program.*  
*Sec. 3004. Emerging technology research pilot program.*  
*Sec. 3005. Research and technology development and deployment.*  
*Sec. 3006. Workforce development, training, and education.*  
*Sec. 3007. Wildlife-vehicle collision research.*

*TITLE IV—INDIAN AFFAIRS*

*Sec. 4001. Definition of Secretary.*  
*Sec. 4002. Environmental reviews for certain tribal transportation facilities.*  
*Sec. 4003. Programmatic agreements for tribal categorical exclusions.*  
*Sec. 4004. Use of certain tribal transportation funds.*  
*Sec. 4005. Bureau of Indian Affairs road maintenance program.*  
*Sec. 4006. Study of road maintenance on Indian land.*  
*Sec. 4007. Maintenance of certain Indian reservation roads.*  
*Sec. 4008. Tribal transportation safety needs.*  
*Sec. 4009. Office of Tribal Government Affairs.*

**1 SEC. 2. DEFINITIONS.**

2       *In this Act:*

3               (1) *DEPARTMENT.*—*The term “Department”*  
 4       *means the Department of Transportation.*

5               (2) *SECRETARY.*—*The term “Secretary” means*  
 6       *the Secretary of Transportation.*

**7 SEC. 3. EFFECTIVE DATE.**

8       *This Act and the amendments made by this Act take*  
 9       *effect on October 1, 2020.*

1                   **TITLE I—FEDERAL-AID**  
2                                   **HIGHWAYS**  
3           **Subtitle A—Authorizations and**  
4                                   **Programs**

5 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

6           (a) *IN GENERAL.*—*The following amounts are author-*  
7 *ized to be appropriated out of the Highway Trust Fund*  
8 *(other than the Mass Transit Account):*

9                   (1) *FEDERAL-AID HIGHWAY PROGRAM.*—*For the*  
10 *national highway performance program under section*  
11 *119 of title 23, United States Code, the surface trans-*  
12 *portation block grant program under section 133 of*  
13 *that title, the highway safety improvement program*  
14 *under section 148 of that title, the congestion mitiga-*  
15 *tion and air quality improvement program under sec-*  
16 *tion 149 of that title, the national highway freight*  
17 *program under section 167 of that title, and to carry*  
18 *out section 134 of that title—*

19                                   (A) *\$47,855,749,000 for fiscal year 2021;*

20                                   (B) *\$48,829,248,000 for fiscal year 2022;*

21                                   (C) *\$49,849,443,000 for fiscal year 2023;*

22                                   (D) *\$50,914,302,000 for fiscal year 2024;*

23                                   *and*

24                                   (E) *\$51,979,162,000 for fiscal year 2025.*

1           (2) *TRANSPORTATION INFRASTRUCTURE FINANCE*  
 2           *AND INNOVATION PROGRAM.*—*For credit assistance*  
 3           *under the transportation infrastructure finance and*  
 4           *innovation program under chapter 6 of title 23,*  
 5           *United States Code, \$300,000,000 for each of fiscal*  
 6           *years 2021 through 2025.*

7           (3) *FEDERAL LANDS AND TRIBAL TRANSPOR-*  
 8           *TATION PROGRAMS.*—

9                   (A) *TRIBAL TRANSPORTATION PROGRAM.*—  
 10           *For the tribal transportation program under sec-*  
 11           *tion 202 of title 23, United States Code—*

12                           (i) *\$565,000,000 for fiscal year 2021;*  
 13                           (ii) *\$580,000,000 for fiscal year 2022;*  
 14                           (iii) *\$595,000,000 for fiscal year 2023;*  
 15                           (iv) *\$610,000,000 for fiscal year 2024;*  
 16                   and  
 17                           (v) *\$625,000,000 for fiscal year 2025.*

18                   (B) *FEDERAL LANDS TRANSPORTATION PRO-*  
 19           *GRAM.*—

20                           (i) *IN GENERAL.*—*For the Federal*  
 21           *lands transportation program under section*  
 22           *203 of title 23, United States Code—*

23                                   (I) *\$413,000,000 for fiscal year*  
 24                                           2021;

1 (II) \$423,000,000 for fiscal year  
2 2022;

3 (III) \$433,000,000 for fiscal year  
4 2023;

5 (IV) \$443,000,000 for fiscal year  
6 2024; and

7 (V) \$453,000,000 for fiscal year  
8 2025.

9 (ii) ALLOCATION.—Of the amount  
10 made available for a fiscal year under  
11 clause (i)—

12 (I) the amount for the National  
13 Park Service is—

14 (aa) \$330,000,000 for fiscal  
15 year 2021;

16 (bb) \$338,000,000 for fiscal  
17 year 2022;

18 (cc) \$346,000,000 for fiscal  
19 year 2023;

20 (dd) \$354,000,000 for fiscal  
21 year 2024; and

22 (ee) \$362,000,000 for fiscal  
23 year 2025;

24 (II) the amount for the United  
25 States Fish and Wildlife Service is

1                   \$33,000,000 for each of fiscal years  
2                   2021 through 2025; and

3                   (III) the amount for the Forest  
4                   Service is—

5                   (aa) \$22,000,000 for fiscal  
6                   year 2021;

7                   (bb) \$23,000,000 for fiscal  
8                   year 2022;

9                   (cc) \$24,000,000 for fiscal  
10                  year 2023;

11                  (dd) \$25,000,000 for fiscal  
12                  year 2024; and

13                  (ee) \$26,000,000 for fiscal  
14                  year 2025.

15                  (C) *FEDERAL LANDS ACCESS PROGRAM.*—

16                  For the Federal lands access program under sec-  
17                  tion 204 of title 23, United States Code—

18                  (i) \$280,000,000 for fiscal year 2021;

19                  (ii) \$285,000,000 for fiscal year 2022;

20                  (iii) \$290,000,000 for fiscal year 2023;

21                  (iv) \$295,000,000 for fiscal year 2024;

22                  and

23                  (v) \$300,000,000 for fiscal year 2025.

24                  (4) *TERRITORIAL AND PUERTO RICO HIGHWAY*

25                  PROGRAM.—For the territorial and Puerto Rico high-

1 way program under section 165 of title 23, United  
2 States Code—

3 (A) \$204,500,000 for fiscal year 2021;

4 (B) \$208,000,000 for fiscal year 2022;

5 (C) \$212,000,000 for fiscal year 2023;

6 (D) \$216,000,000 for fiscal year 2024; and

7 (E) \$221,500,000 for fiscal year 2025.

8 (5) *NATIONALLY SIGNIFICANT FREIGHT AND*  
9 *HIGHWAY PROJECTS.*—For nationally significant  
10 freight and highway projects under section 117 of title  
11 23, United States Code—

12 (A) \$1,050,000,000 for fiscal year 2021;

13 (B) \$1,075,000,000 for fiscal year 2022;

14 (C) \$1,100,000,000 for fiscal year 2023;

15 (D) \$1,125,000,000 for fiscal year 2024;

16 and

17 (E) \$1,150,000,000 for fiscal year 2025.

18 (b) *OTHER PROGRAMS.*—

19 (1) *IN GENERAL.*—The following amounts are  
20 authorized to be appropriated out of the Highway  
21 Trust Fund (other than the Mass Transit Account):

22 (A) *BRIDGE INVESTMENT PROGRAM.*—To  
23 carry out the bridge investment program under  
24 section 124 of title 23, United States Code—

25 (i) \$600,000,000 for fiscal year 2021;

1                   (ii) \$640,000,000 for fiscal year 2022;

2                   (iii) \$650,000,000 for fiscal year 2023;

3                   (iv) \$675,000,000 for fiscal year 2024;

4                   and

5                   (v) \$700,000,000 for fiscal year 2025.

6                   (B) *CONGESTION RELIEF PROGRAM.*—To  
7                   carry out the congestion relief program under  
8                   section 129(d) of title 23, United States Code,  
9                   \$40,000,000 for each of fiscal years 2021 through  
10                  2025.

11                  (C) *CHARGING AND FUELING INFRASTRUC-*  
12                  *TURE GRANTS.*—To carry out section 151(f) of  
13                  title 23, United States Code—

14                   (i) \$100,000,000 for fiscal year 2021;

15                   (ii) \$100,000,000 for fiscal year 2022;

16                   (iii) \$200,000,000 for fiscal year 2023;

17                   (iv) \$300,000,000 for fiscal year 2024;

18                   and

19                   (v) \$300,000,000 for fiscal year 2025.

20                  (D) *FORMULA SAFETY INCENTIVE PRO-*  
21                  *GRAM.*—To carry out the formula safety incen-  
22                  tive program under section 172 of title 23,  
23                  United States Code, \$500,000,000 for each of fis-  
24                  cal years 2021 through 2025.

1           (E) *FATALITY REDUCTION PERFORMANCE*  
2           *PROGRAM.—To carry out the fatality reduction*  
3           *performance program under section 173 of title*  
4           *23, United States Code, \$100,000,000 for each of*  
5           *fiscal years 2021 through 2025.*

6           (F) *FORMULA CARBON REDUCTION INCEN-*  
7           *TIVE PROGRAM.—To carry out the formula car-*  
8           *bon reduction incentive program under section*  
9           *177 of title 23, United States Code, \$600,000,000*  
10           *for each of fiscal years 2021 through 2025.*

11           (G) *CARBON REDUCTION PERFORMANCE*  
12           *PROGRAM.—To carry out the carbon reduction*  
13           *performance program under section 178 of title*  
14           *23, United States Code, \$100,000,000 for each of*  
15           *fiscal years 2021 through 2025.*

16           (H) *PROTECT GRANTS.—To carry out the*  
17           *PROTECT grant program under section 179 of*  
18           *title 23, United States Code, for each of fiscal*  
19           *years 2021 through 2025—*

20                   (i) *\$786,000,000 for formula awards to*  
21                   *States under subsection (c) of that section;*  
22                   *and*

23                   (ii) *\$200,000,000 for competitive*  
24                   *grants under subsection (d) of that section,*  
25                   *of which—*

1                   (I) \$20,000,000 shall be for plan-  
2                   ning grants under paragraph (3) of  
3                   that subsection;

4                   (II) \$140,000,000 shall be for re-  
5                   silience improvement grants under  
6                   paragraph (4)(A) of that subsection;

7                   (III) \$20,000,000 shall be for com-  
8                   munity resilience and evacuation route  
9                   grants under paragraph (4)(B) of that  
10                  subsection; and

11                  (IV) \$20,000,000 shall be for at-  
12                  risk coastal infrastructure grants  
13                  under paragraph (4)(C) of that sub-  
14                  section.

15                  (I) *REDUCTION OF TRUCK EMISSIONS AT*  
16                  *PORT FACILITIES.—*

17                  (i) *IN GENERAL.—To carry out the re-*  
18                  *duction of truck emissions at port facilities*  
19                  *under section 1402—*

20                  (I) \$60,000,000 for fiscal year  
21                  2021;

22                  (II) \$70,000,000 for fiscal year  
23                  2022;

24                  (III) \$70,000,000 for fiscal year  
25                  2023;

1 (IV) \$80,000,000 for fiscal year  
2 2024; and

3 (V) \$90,000,000 for fiscal year  
4 2025.

5 (i) *TREATMENT.*—Amounts made  
6 available under clause (i) shall be available  
7 for obligation in the same manner as if  
8 those amounts were apportioned under  
9 chapter 1 of title 23, United States Code.

10 (J) *NATIONALLY SIGNIFICANT FEDERAL*  
11 *LANDS AND TRIBAL PROJECTS.*—

12 (i) *IN GENERAL.*—To carry out the na-  
13 tionally significant Federal lands and trib-  
14 al projects program under section 1123 of  
15 the FAST Act (23 U.S.C. 201 note; Public  
16 Law 114–94), \$50,000,000 for each of fiscal  
17 years 2021 through 2025.

18 (ii) *TREATMENT.*—Amounts made  
19 available under clause (i) shall be available  
20 for obligation in the same manner as if  
21 those amounts were apportioned under  
22 chapter 1 of title 23, United States Code.

23 (2) *GENERAL FUND.*—

24 (A) *BRIDGE INVESTMENT PROGRAM.*—

1           (i) *IN GENERAL.*—*In addition to*  
2           *amounts made available under paragraph*  
3           *(1)(A), there are authorized to be appro-*  
4           *priated to carry out the bridge investment*  
5           *program under section 124 of title 23,*  
6           *United States Code—*

7                       (I) *\$600,000,000 for fiscal year*  
8                       2021;

9                       (II) *\$640,000,000 for fiscal year*  
10                      2022;

11                     (III) *\$650,000,000 for fiscal year*  
12                     2023;

13                     (IV) *\$675,000,000 for fiscal year*  
14                     2024; *and*

15                     (V) *\$700,000,000 for fiscal year*  
16                     2025.

17           (ii) *ALLOCATION.*—*Amounts made*  
18           *available under clause (i) shall be allocated*  
19           *in the same manner as if made available*  
20           *under paragraph (1)(A).*

21           (B) *NATIONALLY SIGNIFICANT FEDERAL*  
22           *LANDS AND TRIBAL PROJECTS PROGRAM.*—*In ad-*  
23           *dition to amounts made available under para-*  
24           *graph (1)(J), there is authorized to be appro-*  
25           *priated to carry out section 1123 of the FAST*

1           *Act (23 U.S.C. 201 note; Public Law 114–94)*  
2           *\$300,000,000 for each of fiscal years 2021*  
3           *through 2025.*

4           *(c) RESEARCH, TECHNOLOGY, AND EDUCATION AU-*  
5           *THORIZATIONS.—*

6           *(1) IN GENERAL.—The following amounts are*  
7           *authorized to be appropriated out of the Highway*  
8           *Trust Fund (other than the Mass Transit Account):*

9                   *(A) HIGHWAY RESEARCH AND DEVELOP-*  
10                   *MENT PROGRAM.—To carry out section 503(b) of*  
11                   *title 23, United States Code, \$153,431,378 for*  
12                   *each of fiscal years 2021 through 2025.*

13                   *(B) TECHNOLOGY AND INNOVATION DEPLOY-*  
14                   *MENT PROGRAM.—To carry out section 503(c) of*  
15                   *title 23, United States Code, \$135,000,000 for*  
16                   *each of fiscal years 2021 through 2025.*

17                   *(C) TRAINING AND EDUCATION.—To carry*  
18                   *out section 504 of title 23, United States Code—*

19                           *(i) \$25,000,000 for fiscal year 2021;*

20                           *(ii) \$26,000,000 for fiscal year 2022;*

21                           *(iii) \$27,000,000 for fiscal year 2023;*

22                           *(iv) \$27,000,000 for fiscal year 2024;*

23                           *and*

24                           *(v) \$27,000,000 for fiscal year 2025.*

1           (D) *INTELLIGENT TRANSPORTATION SYS-*  
2           *TEMS PROGRAM.—To carry out sections 512*  
3           *through 518 of title 23, United States Code,*  
4           *\$110,000,000 for each of fiscal years 2021*  
5           *through 2025.*

6           (E) *UNIVERSITY TRANSPORTATION CENTERS*  
7           *PROGRAM.—To carry out section 5505 of title 49,*  
8           *United States Code—*

9                     (i) *\$82,500,000 for fiscal year 2021;*

10                    (ii) *\$84,000,000 for fiscal year 2022;*

11                    (iii) *\$85,500,000 for fiscal year 2023;*

12                    (iv) *\$87,000,000 for fiscal year 2024;*

13                    *and*

14                    (v) *\$88,500,000 for fiscal year 2025.*

15           (F) *BUREAU OF TRANSPORTATION STATIS-*  
16           *TICS.—To carry out chapter 63 of title 49,*  
17           *United States Code, \$26,000,000 for each of fis-*  
18           *cal years 2021 through 2025.*

19           (2) *ADMINISTRATION.—The Federal Highway*  
20           *Administration shall—*

21                    (A) *administer the programs described in*  
22                    *subparagraphs (A), (B), and (C) of paragraph*  
23                    *(1); and*

1           (B) *in consultation with relevant modal ad-*  
 2           *ministrations, administer the programs described*  
 3           *in paragraph (1)(D).*

4           (3) *APPLICABILITY OF TITLE 23, UNITED STATES*  
 5           *CODE.—Amounts authorized to be appropriated by*  
 6           *paragraph (1) shall—*

7                   (A) *be available for obligation in the same*  
 8                   *manner as if those funds were apportioned under*  
 9                   *chapter 1 of title 23, United States Code, except*  
 10                   *that the Federal share of the cost of a project or*  
 11                   *activity carried out using those funds shall be 80*  
 12                   *percent, unless otherwise expressly provided by*  
 13                   *this Act (including the amendments by this Act)*  
 14                   *or otherwise determined by the Secretary; and*

15                   (B) *remain available until expended and*  
 16                   *not be transferable, except as otherwise provided*  
 17                   *by this Act.*

18           (d) *PILOT PROGRAMS.—The following amounts are*  
 19           *authorized to be appropriated out of the Highway Trust*  
 20           *Fund (other than the Mass Transit Account):*

21                   (1) *WILDLIFE CROSSINGS PILOT PROGRAM.—For*  
 22                   *the wildlife crossings pilot program under section 174*  
 23                   *of title 23, United States Code—*

24                           (A) *\$55,000,000 for fiscal year 2021;*

25                           (B) *\$60,000,000 for fiscal year 2022;*

1                   (C) \$45,000,000 for fiscal year 2023;

2                   (D) \$45,000,000 for fiscal year 2024; and

3                   (E) \$45,000,000 for fiscal year 2025.

4                   (2) *PRIORITIZATION PROCESS PILOT PRO-*  
5 *GRAM.*—

6                   (A) *IN GENERAL.*—*For the prioritization*  
7 *process pilot program under section 1205,*  
8 *\$10,000,000 for each of fiscal years 2021 through*  
9 *2025.*

10                   (B) *TREATMENT.*—*Amounts made available*  
11 *under subparagraph (A) shall be available for*  
12 *obligation in the same manner as if those*  
13 *amounts were apportioned under chapter 1 of*  
14 *title 23, United States Code.*

15                   (3) *DISASTER RELIEF MOBILIZATION PILOT PRO-*  
16 *GRAM.*—

17                   (A) *IN GENERAL.*—*For the disaster relief*  
18 *mobilization pilot program under section 1505,*  
19 *\$1,000,000 for each of fiscal years 2021 through*  
20 *2025.*

21                   (B) *TREATMENT.*—*Amounts made available*  
22 *under subparagraph (A) shall be available for*  
23 *obligation in the same manner as if those*  
24 *amounts were apportioned under chapter 1 of*

1           *title 23, United States Code, except that those*  
2           *amounts shall remain available until expended.*

3           (4) *COMMUNITY CONNECTIVITY PILOT PRO-*  
4           *GRAM.—*

5                   (A) *PLANNING GRANTS.—For planning*  
6                   *grants under the community connectivity pilot*  
7                   *program under section 1508(c)—*

8                           (i) *\$20,000,000 for fiscal year 2021;*

9                           (ii) *\$15,000,000 for fiscal year 2022;*

10                          (iii) *\$10,000,000 for fiscal year 2023;*

11                          (iv) *\$2,500,000 for fiscal year 2024;*

12                          *and*

13                          (v) *\$2,500,000 for fiscal year 2025.*

14                   (B) *CAPITAL CONSTRUCTION GRANTS.—For*  
15                   *capital construction grants under the community*  
16                   *connectivity pilot program under section*  
17                   *1508(d), \$14,000,000 for each of fiscal years*  
18                   *2021 through 2025.*

19                   (C) *TREATMENT.—Amounts made available*  
20                   *under subparagraph (A) or (B) shall be available*  
21                   *for obligation in the same manner as if those*  
22                   *amounts were apportioned under chapter 1 of*  
23                   *title 23, United States Code, except that those*  
24                   *amounts shall remain available until expended.*

1           (5) *OPEN CHALLENGE AND RESEARCH INITIA-*  
2           *TIVE PILOT PROGRAM.—*

3                   (A) *IN GENERAL.—For the open challenge*  
4                   *and research proposal pilot program under sec-*  
5                   *tion 3005(e), \$15,000,000 for each of fiscal years*  
6                   *2021 through 2025.*

7                   (B) *TREATMENT.—Amounts made available*  
8                   *under subparagraph (A) shall be available for*  
9                   *obligation and administered as if apportioned*  
10                   *under chapter 1 of title 23, United States Code.*

11           (e) *DISADVANTAGED BUSINESS ENTERPRISES.—*

12                   (1) *FINDINGS.—Congress finds that—*

13                           (A) *while significant progress has occurred*  
14                           *due to the establishment of the disadvantaged*  
15                           *business enterprise program, discrimination and*  
16                           *related barriers continue to pose significant ob-*  
17                           *stacles for minority- and women-owned busi-*  
18                           *nesses seeking to do business in Federally as-*  
19                           *sisted surface transportation markets across the*  
20                           *United States;*

21                           (B) *the continuing barriers described in*  
22                           *subparagraph (A) merit the continuation of the*  
23                           *disadvantaged business enterprise program;*

24                           (C) *Congress has received and reviewed tes-*  
25                           *timony and documentation of race and gender*

1       *discrimination from numerous sources, including*  
2       *congressional hearings and roundtables, scientific*  
3       *reports, reports issued by public and private*  
4       *agencies, news stories, reports of discrimination*  
5       *by organizations and individuals, and discrimi-*  
6       *nation lawsuits, which show that race- and gen-*  
7       *der-neutral efforts alone are insufficient to ad-*  
8       *dress the problem;*

9               *(D) the testimony and documentation de-*  
10       *scribed in subparagraph (C) demonstrate that*  
11       *discrimination across the United States poses a*  
12       *barrier to full and fair participation in surface*  
13       *transportation-related businesses of women busi-*  
14       *ness owners and minority business owners and*  
15       *has impacted firm development and many as-*  
16       *pects of surface transportation-related business*  
17       *in the public and private markets; and*

18               *(E) the testimony and documentation de-*  
19       *scribed in subparagraph (C) provide a strong*  
20       *basis that there is a compelling need for the con-*  
21       *tinuation of the disadvantaged business enter-*  
22       *prise program to address race and gender dis-*  
23       *crimination in surface transportation-related*  
24       *business.*

25       (2) *DEFINITIONS.—In this subsection:*

1 (A) *SMALL BUSINESS CONCERN.*—

2 (i) *IN GENERAL.*—*The term “small*  
3 *business concern” means a small business*  
4 *concern (as the term is used in section 3 of*  
5 *the Small Business Act (15 U.S.C. 632)).*

6 (ii) *EXCLUSIONS.*—*The term “small*  
7 *business concern” does not include any con-*  
8 *cern or group of concerns controlled by the*  
9 *same socially and economically disadvan-*  
10 *tagged individual or individuals that have*  
11 *average annual gross receipts during the*  
12 *preceding 3 fiscal years in excess of*  
13 *\$25,790,000, as adjusted annually by the*  
14 *Secretary for inflation.*

15 (B) *SOCIALLY AND ECONOMICALLY DIS-*  
16 *ADVANTAGED INDIVIDUALS.*—*The term “socially*  
17 *and economically disadvantaged individuals”*  
18 *has the meaning given the term in section 8(d)*  
19 *of the Small Business Act (15 U.S.C. 637(d))*  
20 *and relevant subcontracting regulations issued*  
21 *pursuant to that Act, except that women shall be*  
22 *presumed to be socially and economically dis-*  
23 *advantaged individuals for purposes of this sub-*  
24 *section.*

1           (3) *AMOUNTS FOR SMALL BUSINESS CON-*  
2           *CERNS.—Except to the extent that the Secretary deter-*  
3           *mines otherwise, not less than 10 percent of the*  
4           *amounts made available for any program under this*  
5           *Act and section 403 of title 23, United States Code,*  
6           *shall be expended through small business concerns*  
7           *owned and controlled by socially and economically*  
8           *disadvantaged individuals.*

9           (4) *ANNUAL LISTING OF DISADVANTAGED BUSI-*  
10          *NESS ENTERPRISES.—Each State shall annually—*

11                   (A) *survey and compile a list of the small*  
12                   *business concerns referred to in paragraph (3) in*  
13                   *the State, including the location of the small*  
14                   *business concerns in the State; and*

15                   (B) *notify the Secretary, in writing, of the*  
16                   *percentage of the small business concerns that*  
17                   *are controlled by—*

18                           (i) *women;*

19                           (ii) *socially and economically dis-*  
20                           *advantaged individuals (other than*  
21                           *women); and*

22                           (iii) *individuals who are women and*  
23                           *are otherwise socially and economically dis-*  
24                           *advantaged individuals.*

25          (5) *UNIFORM CERTIFICATION.—*

1           (A) *IN GENERAL.*—*The Secretary shall es-*  
2           *tablish minimum uniform criteria for use by*  
3           *State governments in certifying whether a con-*  
4           *cern qualifies as a small business concern for the*  
5           *purpose of this subsection.*

6           (B) *INCLUSIONS.*—*The minimum uniform*  
7           *criteria established under subparagraph (A) shall*  
8           *include, with respect to a potential small busi-*  
9           *ness concern—*

10                   (i) *on-site visits;*

11                   (ii) *personal interviews with personnel;*

12                   (iii) *issuance or inspection of licenses;*

13                   (iv) *analyses of stock ownership;*

14                   (v) *listings of equipment;*

15                   (vi) *analyses of bonding capacity;*

16                   (vii) *listings of work completed;*

17                   (viii) *examination of the resumes of*  
18                   *principal owners;*

19                   (ix) *analyses of financial capacity;*

20                   *and*

21                   (x) *analyses of the type of work pre-*  
22                   *ferred.*

23           (6) *REPORTING.*—*The Secretary shall establish*  
24           *minimum requirements for use by State governments*  
25           *in reporting to the Secretary—*

1           (A) *information concerning disadvantaged*  
2           *business enterprise awards, commitments, and*  
3           *achievements; and*

4           (B) *such other information as the Secretary*  
5           *determines to be appropriate for the proper mon-*  
6           *itoring of the disadvantaged business enterprise*  
7           *program.*

8           (7) *COMPLIANCE WITH COURT ORDERS.—Noth-*  
9           *ing in this subsection limits the eligibility of an indi-*  
10           *vidual or entity to receive funds made available*  
11           *under this Act and section 403 of title 23, United*  
12           *States Code, if the entity or person is prevented, in*  
13           *whole or in part, from complying with paragraph (3)*  
14           *because a Federal court issues a final order in which*  
15           *the court finds that a requirement or the implementa-*  
16           *tion of paragraph (3) is unconstitutional.*

17           (8) *SENSE OF CONGRESS ON PROMPT PAYMENT*  
18           *OF DBE SUBCONTRACTORS.—It is the sense of Con-*  
19           *gress that—*

20           (A) *the Secretary should take additional*  
21           *steps to ensure that recipients comply with sec-*  
22           *tion 26.29 of title 49, Code of Federal Regula-*  
23           *tions (the disadvantaged business enterprises*  
24           *prompt payment rule), or any corresponding*  
25           *regulation, in awarding Federally funded trans-*

1            *portation contracts under laws and regulations*  
2            *administered by the Secretary; and*

3            *(B) such additional steps should include in-*  
4            *creasing the ability of the Department to track*  
5            *and keep records of complaints and to make that*  
6            *information publicly available.*

7    **SEC. 1102. OBLIGATION CEILING.**

8            *(a) GENERAL LIMITATION.—Subject to subsection (e),*  
9            *and notwithstanding any other provision of law, the obliga-*  
10           *tions for Federal-aid highway and highway safety construc-*  
11           *tion programs shall not exceed—*

12            *(1) \$54,388,462,378 for fiscal year 2021;*

13            *(2) \$55,483,447,378 for fiscal year 2022;*

14            *(3) \$56,666,082,378 for fiscal year 2023;*

15            *(4) \$57,930,317,378 for fiscal year 2024; and*

16            *(5) \$59,103,552,378 for fiscal year 2025.*

17           *(b) EXCEPTIONS.—The limitations under subsection*  
18           *(a) shall not apply to obligations under or for—*

19            *(1) section 125 of title 23, United States Code;*

20            *(2) section 147 of the Surface Transportation As-*  
21            *sistance Act of 1978 (23 U.S.C. 144 note; 92 Stat.*  
22            *2714);*

23            *(3) section 9 of the Federal-Aid Highway Act of*  
24            *1981 (95 Stat. 1701);*

1           (4) subsections (b) and (j) of section 131 of the  
2     *Surface Transportation Assistance Act of 1982 (96*  
3     *Stat. 2119);*

4           (5) subsections (b) and (c) of section 149 of the  
5     *Surface Transportation and Uniform Relocation As-*  
6     *sistance Act of 1987 (101 Stat. 198);*

7           (6) sections 1103 through 1108 of the *Intermodal*  
8     *Surface Transportation Efficiency Act of 1991 (105*  
9     *Stat. 2027);*

10          (7) section 157 of title 23, *United States Code*  
11     *(as in effect on June 8, 1998);*

12          (8) section 105 of title 23, *United States Code*  
13     *(as in effect for fiscal years 1998 through 2004, but*  
14     *only in an amount equal to \$639,000,000 for each of*  
15     *those fiscal years);*

16          (9) *Federal-aid highway programs for which ob-*  
17     *ligation authority was made available under the*  
18     *Transportation Equity Act for the 21st Century (112*  
19     *Stat. 107) or subsequent Acts for multiple years or to*  
20     *remain available until expended, but only to the ex-*  
21     *tent that the obligation authority has not lapsed or*  
22     *been used;*

23          (10) section 105 of title 23, *United States Code*  
24     *(as in effect for fiscal years 2005 through 2012, but*

1       *only in an amount equal to \$639,000,000 for each of*  
2       *those fiscal years);*

3             (11) *section 1603 of SAFETEA-LU (23 U.S.C.*  
4       *118 note; 119 Stat. 1248), to the extent that funds ob-*  
5       *ligated in accordance with that section were not sub-*  
6       *ject to a limitation on obligations at the time at*  
7       *which the funds were initially made available for ob-*  
8       *ligation;*

9             (12) *section 119 of title 23, United States Code*  
10       *(as in effect for fiscal years 2013 through 2015, but*  
11       *only in an amount equal to \$639,000,000 for each of*  
12       *those fiscal years);*

13            (13) *section 119 of title 23, United States Code*  
14       *(as in effect for fiscal years 2016 through 2020, but*  
15       *only in an amount equal to \$639,000,000 for each of*  
16       *those fiscal years); and*

17            (14) *section 119 of title 23, United States Code*  
18       *(but, for fiscal years 2021 through 2025, only in an*  
19       *amount equal to \$639,000,000 for each of those fiscal*  
20       *years).*

21        (c) *DISTRIBUTION OF OBLIGATION AUTHORITY.—For*  
22       *each of fiscal years 2021 through 2025, the Secretary—*

23            (1) *shall not distribute obligation authority pro-*  
24        *vided by subsection (a) for the fiscal year for—*

1           (A) amounts authorized for administrative  
2 expenses and programs by section 104(a) of title  
3 23, United States Code; and

4           (B) amounts authorized for the Bureau of  
5 Transportation Statistics;

6           (2) shall not distribute an amount of obligation  
7 authority provided by subsection (a) that is equal to  
8 the unobligated balance of amounts—

9           (A) made available from the Highway Trust  
10 Fund (other than the Mass Transit Account) for  
11 Federal-aid highway and highway safety con-  
12 struction programs for previous fiscal years the  
13 funds for which are allocated by the Secretary  
14 (or apportioned by the Secretary under section  
15 172, 177, 179(c), 202, or 204 of title 23, United  
16 States Code); and

17           (B) for which obligation authority was pro-  
18 vided in a previous fiscal year;

19           (3) shall determine the proportion that—

20           (A) the obligation authority provided by  
21 subsection (a) for the fiscal year, less the aggre-  
22 gate of amounts not distributed under para-  
23 graphs (1) and (2) of this subsection; bears to

24           (B) the total of the sums authorized to be  
25 appropriated for the Federal-aid highway and

1            *highway safety construction programs (other*  
2            *than sums authorized to be appropriated for pro-*  
3            *visions of law described in paragraphs (1)*  
4            *through (13) of subsection (b) and sums author-*  
5            *ized to be appropriated for section 119 of title*  
6            *23, United States Code, equal to the amount re-*  
7            *ferred to in subsection (b)(14) for the fiscal*  
8            *year), less the aggregate of the amounts not dis-*  
9            *tributed under paragraphs (1) and (2) of this*  
10           *subsection;*

11           *(4) shall distribute the obligation authority pro-*  
12           *vided by subsection (a), less the aggregate amounts*  
13           *not distributed under paragraphs (1) and (2), for*  
14           *each of the programs (other than programs to which*  
15           *paragraph (1) applies) that are allocated by the Sec-*  
16           *retary under this Act and title 23, United States*  
17           *Code, or apportioned by the Secretary under section*  
18           *172, 177, 179(c), 202, or 204 of that title, by multi-*  
19           *plying—*

20                    *(A) the proportion determined under para-*  
21                    *graph (3); by*

22                    *(B) the amounts authorized to be appro-*  
23                    *priated for each such program for the fiscal year;*  
24                    *and*

1           (5) shall distribute the obligation authority pro-  
2           vided by subsection (a), less the aggregate amounts  
3           not distributed under paragraphs (1) and (2) and the  
4           amounts distributed under paragraph (4), for Fed-  
5           eral-aid highway and highway safety construction  
6           programs that are apportioned by the Secretary  
7           under title 23, United States Code (other than the  
8           amounts apportioned for the national highway per-  
9           formance program in section 119 of title 23, United  
10          States Code, that are exempt from the limitation  
11          under subsection (b)(14) and the amounts appor-  
12          tioned under sections 172, 177, 179(c), 202, and 204  
13          of that title) in the proportion that—

14                 (A) amounts authorized to be appropriated  
15                 for the programs that are apportioned under title  
16                 23, United States Code, to each State for the fis-  
17                 cal year; bears to

18                 (B) the total of the amounts authorized to  
19                 be appropriated for the programs that are ap-  
20                 portioned under title 23, United States Code, to  
21                 all States for the fiscal year.

22          (d) *REDISTRIBUTION OF UNUSED OBLIGATION AU-*  
23          *THORITY.*—Notwithstanding subsection (c), the Secretary  
24          shall, after August 1 of each of fiscal years 2021 through  
25          2025—

1           (1) *revise a distribution of the obligation author-*  
 2           *ity made available under subsection (c) if an amount*  
 3           *distributed cannot be obligated during that fiscal*  
 4           *year; and*

5           (2) *redistribute sufficient amounts to those States*  
 6           *able to obligate amounts in addition to those pre-*  
 7           *viously distributed during that fiscal year, giving pri-*  
 8           *ority to those States having large unobligated bal-*  
 9           *ances of funds apportioned under sections 144 (as in*  
 10           *effect on the day before the date of enactment of*  
 11           *MAP-21 (Public Law 112-141; 126 Stat. 405)) and*  
 12           *104 of title 23, United States Code.*

13           (e) *APPLICABILITY OF OBLIGATION LIMITATIONS TO*  
 14           *TRANSPORTATION RESEARCH PROGRAMS.—*

15           (1) *IN GENERAL.—Except as provided in para-*  
 16           *graph (2), obligation limitations imposed by sub-*  
 17           *section (a) shall apply to contract authority for trans-*  
 18           *portation research programs carried out under chap-*  
 19           *ter 5 of title 23, United States Code.*

20           (2) *EXCEPTION.—Obligation authority made*  
 21           *available under paragraph (1) shall—*

22                   (A) *remain available for a period of 4 fiscal*  
 23                   *years; and*

24                   (B) *be in addition to the amount of any*  
 25                   *limitation imposed on obligations for Federal-*

1           *aid highway and highway safety construction*  
2           *programs for future fiscal years.*

3           (f) *REDISTRIBUTION OF CERTAIN AUTHORIZED*  
4 *FUNDS.—*

5           (1) *IN GENERAL.—Not later than 30 days after*  
6 *the date of distribution of obligation authority under*  
7 *subsection (c) for each of fiscal years 2021 through*  
8 *2025, the Secretary shall distribute to the States any*  
9 *funds (excluding funds authorized for the program*  
10 *under section 202 of title 23, United States Code)*  
11 *that—*

12                   (A) *are authorized to be appropriated for*  
13 *the fiscal year for Federal-aid highway pro-*  
14 *grams; and*

15                   (B) *the Secretary determines will not be al-*  
16 *located to the States (or will not be apportioned*  
17 *to the States under sections 172, 177, 179(c),*  
18 *and 204 of title 23, United States Code), and*  
19 *will not be available for obligation, for the fiscal*  
20 *year because of the imposition of any obligation*  
21 *limitation for the fiscal year.*

22           (2) *RATIO.—Funds shall be distributed under*  
23 *paragraph (1) in the same proportion as the distribu-*  
24 *tion of obligation authority under subsection (c)(5).*

1           (3) *AVAILABILITY.*—*Funds distributed to each*  
2           *State under paragraph (1) shall be available for any*  
3           *purpose described in section 133(b) of title 23, United*  
4           *States Code.*

5 **SEC. 1103. DEFINITIONS.**

6           *Section 101(a) of title 23, United States Code, is*  
7           *amended—*

8           (1) *in paragraph (4)—*

9                   (A) *in subparagraph (A), by inserting “as-*  
10                   *sessing resilience,” after “surveying,”;*

11                   (B) *in subparagraph (G), by striking “and”*  
12                   *at the end;*

13                   (C) *by redesignating subparagraph (H) as*  
14                   *subparagraph (I); and*

15                   (D) *by inserting after subparagraph (G) the*  
16                   *following:*

17                           *“(H) improvements that reduce the number*  
18                           *of wildlife-vehicle collisions, such as wildlife*  
19                           *crossing structures; and”;*

20                   (2) *by redesignating paragraphs (17) through*  
21                   *(34) as paragraphs (18), (19), (20), (21), (22), (23),*  
22                   *(25), (26), (27), (28), (29), (30), (31), (32), (33), (34),*  
23                   *(35), and (36), respectively;*

24                   (3) *by inserting after paragraph (16) the fol-*  
25                   *lowing:*

1           “(17) *NATURAL INFRASTRUCTURE*.—The term  
2           ‘*natural infrastructure*’ means infrastructure that  
3           uses, restores, or emulates natural ecological processes  
4           and—

5                   “(A) is created through the action of nat-  
6                   ural physical, geological, biological, and chem-  
7                   ical processes over time;

8                   “(B) is created by human design, engineer-  
9                   ing, and construction to emulate or act in con-  
10                  cert with natural processes; or

11                  “(C) involves the use of plants, soils, and  
12                  other natural features, including through the cre-  
13                  ation, restoration, or preservation of vegetated  
14                  areas using materials appropriate to the region  
15                  to manage stormwater and runoff, to attenuate  
16                  flooding and storm surges, and for other related  
17                  purposes.”;

18                  (4) by inserting after paragraph (23) (as so re-  
19                  designated) the following:

20                  “(24) *RESILIENCE*.—The term ‘*resilience*’, with  
21                  respect to a project, means a project with the ability  
22                  to anticipate, prepare for, or adapt to conditions or  
23                  withstand, respond to, or recover rapidly from dis-  
24                  ruptions, including the ability—

1           “(A)(i) to resist hazards or withstand im-  
 2           pacts from weather events and natural disasters;  
 3           or

4           “(ii) to reduce the magnitude, duration, or  
 5           impact of a disruptive weather event or natural  
 6           disaster to a project; and

7           “(B) to have the absorptive capacity, adapt-  
 8           ive capacity, and recoverability to decrease  
 9           project vulnerability to weather events or other  
 10          natural disasters.”; and

11          (5) in subparagraph (A) of paragraph (32) (as  
 12          so redesignated)—

13                 (A) by striking the period at the end and  
 14                 inserting “; and”;

15                 (B) by striking “through the implementa-  
 16                 tion” and inserting the following: “through—

17                         “(i) the implementation”; and

18                 (C) by adding at the end the following:

19                         “(ii) the consideration of incorporating  
 20                         natural infrastructure.”.

21 **SEC. 1104. APPORTIONMENT.**

22           (a) *ADMINISTRATIVE EXPENSES.*—Section 104(a) of  
 23           title 23, United States Code, is amended by striking para-  
 24           graph (1) and inserting the following:

1           “(1) *IN GENERAL.*—*There are authorized to be*  
2           *appropriated from the Highway Trust Fund (other*  
3           *than the Mass Transit Account) to be made available*  
4           *to the Secretary for administrative expenses of the*  
5           *Federal Highway Administration—*

6                     “(A) \$490,282,000 for fiscal year 2021;

7                     “(B) \$499,768,000 for fiscal year 2022;

8                     “(C) \$509,708,000 for fiscal year 2023;

9                     “(D) \$520,084,000 for fiscal year 2024; and

10                    “(E) \$530,459,000 for fiscal year 2025.”.

11           (b) *NATIONAL HIGHWAY FREIGHT PROGRAM.*—*Sec-*  
12           *tion 104(b)(5) of title 23, United States Code, is amended*  
13           *by striking subparagraph (B) and inserting the following:*

14                    “(B) *TOTAL AMOUNT.*—*The total amount*  
15                    *set aside for the national highway freight pro-*  
16                    *gram for all States shall be—*

17                             “(i) \$1,625,000,000 for fiscal year  
18                             2021;

19                             “(ii) \$1,660,000,000 for fiscal year  
20                             2022;

21                             “(iii) \$1,700,000,000 for fiscal year  
22                             2023;

23                             “(iv) \$1,740,000,000 for fiscal year  
24                             2024; and

1                   “(v) \$1,775,000,000 for fiscal year  
2                   2025.”.

3           (c) *CALCULATION OF AMOUNTS.*—Section 104(c) of  
4 *title 23, United States Code, is amended—*

5                   (1) *in paragraph (1)—*

6                           (A) *in the matter preceding subparagraph*  
7 *(A), by striking “each of fiscal years 2016*  
8 *through 2020” and inserting “fiscal year 2021*  
9 *and each fiscal year thereafter”;*

10                           (B) *in subparagraph (A)(ii)(I), by striking*  
11 *“fiscal year 2015” and inserting “fiscal year*  
12 *2020”;* and

13                           (C) *by striking subparagraph (B) and in-*  
14 *serting the following:*

15                                   “(B) *GUARANTEED AMOUNTS.*—*The initial*  
16 *amounts resulting from the calculation under*  
17 *subparagraph (A) shall be adjusted to ensure*  
18 *that each State receives an aggregate apportion-*  
19 *ment that is—*

20                                           “(i) *equal to at least 95 percent of the*  
21 *estimated tax payments paid into the High-*  
22 *way Trust Fund (other than the Mass*  
23 *Transit Account) in the most recent fiscal*  
24 *year for which data are available that*  
25 *are—*

1                   “(I) attributable to highway users  
2                   in the State; and

3                   “(II) associated with taxes in ef-  
4                   fect on July 1, 2019, and only up to  
5                   the rate those taxes were in effect on  
6                   that date;

7                   “(ii) at least 2 percent greater than the  
8                   apportionment that the State received for  
9                   fiscal year 2020; and

10                  “(iii) at least 1 percent greater than  
11                  the apportionment that the State received  
12                  for the previous fiscal year.”; and

13                  (2) in paragraph (2), by striking “fiscal years  
14                  2016 through 2020” and inserting “fiscal year 2021  
15                  and each fiscal year thereafter”.

16                  (d) SUPPLEMENTAL FUNDS.—Section 104(h) of title  
17 23, United States Code, is amended—

18                  (1) in paragraph (1), by striking subparagraph  
19                  (A) and inserting the following:

20                         “(A) AMOUNT.—Before making an appor-  
21                         tionment for a fiscal year under subsection (c),  
22                         the Secretary shall reserve for the national high-  
23                         way performance program under section 119 for  
24                         that fiscal year an amount equal to—

1                   “(i) \$1,160,000,000 for fiscal year  
2                   2021;

3                   “(ii) \$1,184,000,000 for fiscal year  
4                   2022;

5                   “(iii) \$1,208,000,000 for fiscal year  
6                   2023;

7                   “(iv) \$1,233,000,000 for fiscal year  
8                   2024; and

9                   “(v) \$1,259,000,000 for fiscal year  
10                  2025.”; and

11                  (2) in paragraph (2), by striking subparagraph  
12                  (A) and inserting the following:

13                         “(A) AMOUNT.—Before making an appor-  
14                         tionment for a fiscal year under subsection (c),  
15                         the Secretary shall reserve for the surface trans-  
16                         portation block grant program under section 133  
17                         for that fiscal year, pursuant to section 133(h)—

18                                 “(i) \$1,200,000,000 for fiscal year  
19                                 2021;

20                                 “(ii) \$1,224,000,000 for fiscal year  
21                                 2022;

22                                 “(iii) \$1,248,000,000 for fiscal year  
23                                 2023;

24                                 “(iv) \$1,273,000,000 for fiscal year  
25                                 2024; and

1                   “(v) \$1,299,000,000 for fiscal year  
2                   2025.”.

3 **SEC. 1105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

4       Section 119 of title 23, United States Code, is amend-  
5 ed—

6           (1) in subsection (b)—

7               (A) in paragraph (2), by striking “and” at  
8               the end;

9               (B) in paragraph (3), by striking the period  
10              at the end and inserting “; and”; and

11              (C) by adding at the end the following:

12              “(4) to provide support for measures to increase  
13              the resiliency of Federal-aid highways and bridges on  
14              and off the National Highway System to mitigate the  
15              impacts of sea level rise, extreme weather events,  
16              flooding, or other natural disasters.”; and

17              (2) by adding at the end the following:

18              “(k) **PROTECTIVE FEATURES.**—

19              “(1) **IN GENERAL.**—A State may use not more  
20              than 15 percent of the funds apportioned to the State  
21              under section 104(b)(1) for each fiscal year for 1 or  
22              more protective features on a Federal-aid highway or  
23              bridge off the National Highway System, if the pro-  
24              tective feature is designed to mitigate the risk of re-  
25              curring damage, or the cost of future repairs, from ex-

1 *treme weather events, flooding, or other natural disas-*  
2 *ters.*

3 “(2) *PROTECTIVE FEATURES DESCRIBED.—A*  
4 *protective feature referred to in paragraph (1) may*  
5 *include—*

6 “(A) *raising roadway grades;*

7 “(B) *relocating roadways in a base flood-*  
8 *plain to higher ground above projected flood ele-*  
9 *vation levels or away from slide prone areas;*

10 “(C) *stabilizing slide areas;*

11 “(D) *stabilizing slopes;*

12 “(E) *installing riprap;*

13 “(F) *lengthening or raising bridges to in-*  
14 *crease waterway openings;*

15 “(G) *deepening channels to prevent flood-*  
16 *ing;*

17 “(H) *increasing the size or number of*  
18 *drainage structures;*

19 “(I) *replacing culverts with bridges or*  
20 *upsizing culverts;*

21 “(J) *repairing or maintaining tide gates;*

22 “(K) *installing seismic retrofits on bridges;*

23 “(L) *adding scour protection at bridges;*

1           “(M) adding scour, stream stability, coastal,  
2           or other hydraulic countermeasures, including  
3           spur dikes;

4           “(N) the use of natural infrastructure to  
5           mitigate the risk of recurring damage or the cost  
6           of future repair from extreme weather events,  
7           flooding, or other natural disasters; and

8           “(O) any other features that mitigate the  
9           risk of recurring damage or the cost of future re-  
10          pair as a result of extreme weather events, flood-  
11          ing, or other natural disasters, as determined by  
12          the Secretary.

13          “(3) SAVINGS PROVISION.—Nothing in this sub-  
14          section limits the ability of a State to carry out a  
15          project otherwise eligible under subsection (d) using  
16          funds apportioned under section 104(b)(1).”.

17 **SEC. 1106. EMERGENCY RELIEF.**

18          Section 125 of title 23, United States Code, is amend-  
19          ed—

20                 (1) in subsection (a)(1), by inserting “wildfire,  
21                 sea level rise,” after “severe storm”;

22                 (2) by striking subsection (b) and inserting the  
23                 following:

24                 “(b) RESTRICTION ON ELIGIBILITY.—Funds under  
25                 this section shall not be used for the repair or reconstruction

1 *of a bridge that has been permanently closed to all vehicular*  
2 *traffic by the Federal, State, Tribal, or responsible local of-*  
3 *ficial because of imminent danger of collapse due to a struc-*  
4 *tural deficiency or physical deterioration.”; and*

5 *(3) in subsection (d)—*

6 *(A) in paragraph (2)(A)—*

7 *(i) by striking the period at the end*  
8 *and inserting “; and”*

9 *(ii) by striking “a facility that meets*  
10 *the current” and inserting the following: “a*  
11 *facility that—*

12 *“(i) meets the current”; and*

13 *(iii) by adding at the end the fol-*  
14 *lowing:*

15 *“(ii) incorporates economically justifi-*  
16 *able improvements designed to mitigate the*  
17 *risk of recurring damage from extreme*  
18 *weather events, flooding, or other natural*  
19 *disasters.”;*

20 *(B) by redesignating paragraphs (3)*  
21 *through (5) as paragraphs (4) through (6), re-*  
22 *spectively; and*

23 *(C) by inserting after paragraph (2) the fol-*  
24 *lowing:*

25 *“(3) PROTECTIVE FEATURES.—*

1           “(A) *IN GENERAL.*—*The cost of an improve-*  
2           *ment that is part of a project under this section*  
3           *shall be an eligible expense under this section if*  
4           *the improvement is a protective feature that is*  
5           *designed to mitigate the risk of recurring dam-*  
6           *age, or the cost of future repair, from extreme*  
7           *weather events, flooding, or other natural disas-*  
8           *ters.*

9           “(B) *PROTECTIVE FEATURES DESCRIBED.*—  
10          *A protective feature referred to in subparagraph*  
11          *(A) may include—*

12                   “(i) *raising roadway grades;*

13                   “(ii) *relocating roadways in a base*  
14                   *floodplain to higher ground above projected*  
15                   *flood elevation levels or away from slide*  
16                   *prone areas;*

17                   “(iii) *stabilizing slide areas;*

18                   “(iv) *stabilizing slopes;*

19                   “(v) *installing riprap;*

20                   “(vi) *lengthening or raising bridges to*  
21                   *increase waterway openings;*

22                   “(vii) *deepening channels to prevent*  
23                   *flooding;*

24                   “(viii) *increasing the size or number of*  
25                   *drainage structures;*

1           “(ix) replacing culverts with bridges or  
2           upsizing culverts;

3           “(x) repairing or maintaining tide  
4           gates;

5           “(xi) installing seismic retrofits on  
6           bridges;

7           “(xii) adding scour protection at  
8           bridges;

9           “(xiii) adding scour, stream stability,  
10          coastal, and other hydraulic counter-  
11          measures, including spur dikes;

12          “(xiv) the use of natural infrastructure  
13          to mitigate the risk of recurring damage or  
14          the cost of future repair from extreme  
15          weather events, flooding, or other natural  
16          disasters; and

17          “(xv) any other features that mitigate  
18          the risk of recurring damage or the cost of  
19          future repair as a result of extreme weather  
20          events, flooding, or other natural disasters,  
21          as determined by the Secretary.”.

22   **SEC. 1107. FEDERAL SHARE PAYABLE.**

23          Section 120(c) of title 23, United States Code, is  
24          amended by adding at the end the following:

25                 “(4) *PROTECTIVE FEATURES.*—

1           “(A) *IN GENERAL.*—*Notwithstanding any*  
2           *other provision of law, the Federal share payable*  
3           *for the cost of a protective feature on a Federal-*  
4           *aid highway or bridge project under this title*  
5           *may be up to 100 percent, at the discretion of*  
6           *the State, if the protective feature is an improve-*  
7           *ment designed to mitigate the risk of recurring*  
8           *damage, or the cost of future repair, from ex-*  
9           *treme weather events, flooding, or other natural*  
10          *disasters.*

11          “(B) *PROTECTIVE FEATURES DESCRIBED.*—  
12          *A protective feature referred to in subparagraph*  
13          *(A) may include—*

14                 “(i) *raising roadway grades;*

15                 “(ii) *relocating roadways in a base*  
16                 *floodplain to higher ground above projected*  
17                 *flood elevation levels or away from slide*  
18                 *prone areas;*

19                 “(iii) *stabilizing slide areas;*

20                 “(iv) *stabilizing slopes;*

21                 “(v) *installing riprap;*

22                 “(vi) *lengthening or raising bridges to*  
23                 *increase waterway openings;*

24                 “(vii) *deepening channels to prevent*  
25                 *flooding;*

1                   “(viii) increasing the size or number of  
2 drainage structures;

3                   “(ix) replacing culverts with bridges or  
4 upsizing culverts;

5                   “(x) repairing or maintaining tide  
6 gates;

7                   “(xi) installing seismic retrofits on  
8 bridges;

9                   “(xii) adding scour protection at  
10 bridges;

11                  “(xiii) adding scour, stream stability,  
12 coastal, and other hydraulic counter-  
13 measures, including spur dikes;

14                  “(xiv) the use of natural infrastructure  
15 to mitigate the risk of recurring damage or  
16 the cost of future repair from extreme  
17 weather events, flooding, or other natural  
18 disasters; and

19                  “(xv) any other features that mitigate  
20 the risk of recurring damage or the cost of  
21 future repair as a result of extreme weather  
22 events, flooding, or other natural disasters,  
23 as determined by the Secretary.”.

1 **SEC. 1108. RAILWAY-HIGHWAY GRADE CROSSINGS.**

2 (a) *IN GENERAL.*—Section 130(e) of title 23, United  
3 States Code, is amended—

4 (1) *in the heading, by striking “PROTECTIVE*  
5 *DEVICES” and inserting “RAILWAY-HIGHWAY GRADE*  
6 *CROSSINGS”; and*

7 (2) *in paragraph (1)—*

8 (A) *in subparagraph (A), by striking*  
9 *“crossings” in the matter preceding clause (i)*  
10 *and all that follows through “2020.” in clause*  
11 *(v) and inserting the following: “crossings and*  
12 *as described in subparagraph (B), not less than*  
13 *\$245,000,000 for each of fiscal years 2021*  
14 *through 2025.”; and*

15 (B) *by striking subparagraph (B) and in-*  
16 *serting the following:*

17 “(B) *REDUCING TRESPASSING FATALITIES*  
18 *AND INJURIES.*—A State may use funds set aside  
19 under subparagraph (A) for projects to reduce  
20 pedestrian fatalities and injuries from tres-  
21 passing at grade crossings.”.

22 (b) *FEDERAL SHARE.*—Section 130(f)(3) of title 23,  
23 United States Code, is amended by striking “90 percent”  
24 and inserting “100 percent”.

25 (c) *GAO STUDY.*—Not later than 3 years after the date  
26 of enactment of this Act, the Comptroller General of the

1 *United States shall submit to Congress a report that in-*  
 2 *cludes an analysis of the effectiveness of the railway-high-*  
 3 *way crossings program under section 130 of title 23, United*  
 4 *States Code.*

5       *(d) SENSE OF CONGRESS RELATING TO TRESPASSER*  
 6 *DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the*  
 7 *sense of Congress that the Department should, where fea-*  
 8 *sible, coordinate departmental efforts to prevent or reduce*  
 9 *trespasser deaths along railroad rights-of-way and at or*  
 10 *near railway-highway crossings.*

11 **SEC. 1109. SURFACE TRANSPORTATION BLOCK GRANT PRO-**  
 12 **GRAM.**

13       *(a) IN GENERAL.—Section 133 of title 23, United*  
 14 *States Code, is amended—*

15             *(1) in subsection (b)—*

16                     *(A) in paragraph (1)—*

17                             *(i) in subparagraph (B)—*

18                                     *(I) by adding “or” at the end;*

19                                     *(II) by striking “facilities eligi-*  
 20 *ble” and inserting the following: “fa-*  
 21 *cilities—*

22                                     *“(i) that are eligible”; and*

23                                     *(III) by adding at the end the fol-*  
 24 *lowing:*

1           “(ii) that are privately or majority-  
2           privately owned, but that the Secretary de-  
3           termines provide a substantial public trans-  
4           portation benefit or otherwise meet the fore-  
5           most needs of the surface transportation sys-  
6           tem described in section 101(b)(3)(D);”;

7           (ii) in subparagraph (E), by striking  
8           “and” at the end;

9           (iii) in subparagraph (F), by striking  
10          the period at the end and inserting “; and”;  
11          and

12          (iv) by adding at the end the following:  
13          “(G) wildlife crossing structures.”;

14          (B) in paragraph (3), by inserting  
15          “148(a)(4)(B)(xvii),” after “119(g);”;

16          (C) by redesignating paragraphs (4)  
17          through (15) as paragraphs (5), (6), (7), (8), (9),  
18          (10), (11), (12), (13), (15), (16), and (17), re-  
19          spectively;

20          (D) by inserting after paragraph (3) the fol-  
21          lowing:

22          “(4) Projects that use natural infrastructure  
23          alone or in combination with other eligible projects to  
24          enhance resilience of a transportation facility other-  
25          wise eligible for assistance under this section.”;

1           (E) by inserting after paragraph (13) (as so  
2           redesignated) the following:

3           “(14) Projects and strategies designed to reduce  
4           the number of wildlife-vehicle collisions, including  
5           project-related planning, design, construction, moni-  
6           toring, and preventative maintenance.”; and

7           (F) by adding at the end the following:

8           “(18) Rural barge landing, dock, and waterfront  
9           infrastructure projects in accordance with subsection  
10          (j).”;

11          (2) in subsection (c)—

12           (A) in paragraph (2), by striking “para-  
13           graphs (4) through (11)” and inserting “para-  
14           graphs (5) through (12) and paragraph (18)”;

15           (B) in paragraph (3), by striking “and” at  
16           the end;

17           (C) by redesignating paragraph (4) as  
18           paragraph (5); and

19           (D) by inserting after paragraph (3) the fol-  
20           lowing:

21           “(4) for a bridge project for the replacement of  
22           a low water crossing (as defined by the Secretary)  
23           with a bridge; and”;

24          (3) in subsection (d)—

1           (A) in paragraph (1)(A), in the matter pre-  
2           ceding clause (i), by striking “the percentage  
3           specified in paragraph (6) for a fiscal year” and  
4           inserting “55 percent for each of fiscal years  
5           2021 through 2025”; and

6           (B) by striking paragraph (6);

7           (4) in subsection (e)(1), in the matter preceding  
8           subparagraph (A), by striking “fiscal years 2016  
9           through 2020” and inserting “fiscal years 2021  
10          through 2025”;

11          (5) in subsection (f)—

12           (A) in paragraph (1)—

13           (i) by inserting “or low water crossing  
14           (as defined by the Secretary)” after “a high-  
15           way bridge”; and

16           (ii) by inserting “or low water crossing  
17           (as defined by the Secretary)” after “other  
18           than a bridge”;

19           (B) in paragraph (2)(A), by striking “ac-  
20           tivities described in subsection (b)(2) for off-sys-  
21           tem bridges” and inserting “activities described  
22           in paragraphs (1)(A) and (10) of subsection (b)  
23           for off-system bridges, projects and activities de-  
24           scribed in subsection (b)(1)(A) for the replace-  
25           ment of low water crossings with bridges, and

1            *projects and activities described in subsection*  
2            *(b)(10) for low water crossings (as defined by the*  
3            *Secretary),”;* and

4            *(C) in paragraph (3), in the matter pre-*  
5            *ceding subparagraph (A)—*

6                    *(i) by striking “bridge or rehabilita-*  
7                    *tion of a bridge” and inserting “bridge, re-*  
8                    *habilitation of a bridge, or replacement of a*  
9                    *low water crossing (as defined by the Sec-*  
10                   *retary) with a bridge”;* and

11                   *(ii) by inserting “or, in the case of a*  
12                   *replacement of a low water crossing with a*  
13                   *bridge, is determined by the Secretary on*  
14                   *completion to have improved the safety of*  
15                   *the location” after “no longer a deficient*  
16                   *bridge”;*

17            *(6) in subsection (g)(1), by striking “fiscal years*  
18            *2016 through 2020” and inserting “fiscal years 2021*  
19            *through 2025”;*

20            *(7) by adding at the end the following:*

21            *“(j) RURAL BARGE LANDING, DOCK, AND WATER-*  
22            *FRONT INFRASTRUCTURE PROJECTS.—*

23                    *“(1) IN GENERAL.—A State may use not more*  
24                    *than 5 percent of the funds apportioned to the State*  
25                    *under section 104(b)(2) for eligible rural barge land-*

1        *ing, dock, and waterfront infrastructure projects de-*  
 2        *scribed in paragraph (2).*

3            “(2) *ELIGIBLE PROJECTS.*—*An eligible rural*  
 4        *barge landing, dock, or waterfront infrastructure*  
 5        *project referred to in paragraph (1) is a project for*  
 6        *the planning, designing, engineering, or construction*  
 7        *of a barge landing, dock, or other waterfront infra-*  
 8        *structure in a rural community or a Native village*  
 9        *(as defined in section 3 of the Alaska Native Claims*  
 10       *Settlement Act (43 U.S.C. 1602))—*

11            *“(A) that is off the road system; and*

12            *“(B) for which the Secretary determines*  
 13            *there is a lack of adequate infrastructure.”.*

14        (b) *SET-ASIDE.*—*Section 133(h) of title 23, United*  
 15        *States Code, is amended—*

16            (1) *in paragraph (1)(A), by striking clauses (i)*  
 17        *and (ii) and inserting the following:*

18            *“(i) \$1,200,000,000 for fiscal year*  
 19            *2021;*

20            *“(ii) \$1,224,000,000 for fiscal year*  
 21            *2022;*

22            *“(iii) \$1,248,000,000 for fiscal year*  
 23            *2023;*

24            *“(iv) \$1,273,000,000 for fiscal year*  
 25            *2024; and*

1                   “(v) \$1,299,000,000 for fiscal year  
2                   2025; and”;

3                   (2) by striking paragraph (2) and inserting the  
4 following:

5                   “(2) ALLOCATION WITHIN A STATE.—

6                   “(A) IN GENERAL.—Except as provided in  
7 subparagraph (B), funds reserved for a State  
8 under paragraph (1) shall be obligated within  
9 that State in the manner described in subsection  
10 (d), except that, for purposes of this paragraph  
11 (after funds are made available under paragraph  
12 (5))—

13                   “(i) for each fiscal year, the percentage  
14 specified in subsection (d)(1)(A) shall be  
15 deemed to be 57.5 percent; and

16                   “(ii) paragraph (3) of that subsection  
17 shall not apply.

18                   “(B) LOCAL CONTROL.—

19                   “(i) IN GENERAL.—On approval of a  
20 plan submitted to the Secretary that de-  
21 scribes the manner in which the plan will  
22 maximize local control and the means by  
23 which the State plans to comply with para-  
24 graph (8), the State may allocate up to 100  
25 percent of the funds referred to in subpara-

1           graph (A)(i) to counties and other local  
2           transportation entities.

3           “(ii) *REQUIREMENT.*—A State that al-  
4           locates funding under clause (i) to counties  
5           and other local transportation entities shall  
6           make available an equivalent amount of ob-  
7           ligation limitation to those counties and  
8           other local transportation entities.”;

9           (3) in paragraph (4)(B)—

10           (A) in clause (vii), by striking “responsible”  
11           and all that follows through “programs”;

12           (B) in clause (viii), by inserting “that  
13           serves an urbanized population of over 200,000”  
14           after “metropolitan planning organization”;

15           (C) by redesignating clauses (vii) and (viii)  
16           as clauses (viii) and (ix), respectively; and

17           (D) by inserting after clause (vi) the fol-  
18           lowing:

19           “(vii) a metropolitan planning organi-  
20           zation that serves an urbanized population  
21           of 200,000 or fewer;”;

22           (4) in paragraph (6), by adding at the end the  
23           following:

24           “(C) *IMPROVING ACCESSIBILITY AND EFFI-*  
25           *CIENCY.*—

1           “(i) *IN GENERAL.*—A State may elect  
2           to use an amount equal to not more than 7  
3           percent of the funds reserved for the State  
4           under this subsection, after allocating funds  
5           in accordance with paragraph (2)(A), to  
6           improve the ability of applicants to access  
7           funding for projects under this subsection in  
8           an efficient and expeditious manner by—

9                   “(I) providing to applicants for  
10                  projects under this subsection applica-  
11                  tion assistance, technical assistance,  
12                  and assistance in reducing the period  
13                  of time between the selection of the  
14                  project and the obligation of funds for  
15                  the project; and

16                   “(II) providing funding for 1 or  
17                  more full-time State employee positions  
18                  to administer this subsection.

19           “(ii) *USE OF FUNDS.*—Amounts used  
20           under clause (i) may be expended—

21                   “(I) directly by the State; or

22                   “(II) through contracts with State  
23                  agencies, private entities, or nonprofit  
24                  entities.”;

1           (5) *by redesignating paragraph (7) as para-*  
2 *graph (8); and*

3           (6) *by inserting after paragraph (6) the fol-*  
4 *lowing:*

5           “(7) *FEDERAL SHARE.—*

6                 “(A) *REQUIRED AGGREGATE NON-FEDERAL*  
7 *SHARE.—*

8                     “(i) *IN GENERAL.—The average an-*  
9 *nuual non-Federal share of the total cost of*  
10 *all projects carried out under this subsection*  
11 *in a State for a fiscal year shall be not less*  
12 *than the non-Federal share authorized for*  
13 *the State under section 120(b).*

14                   “(ii) *SINGLE PROJECTS.—Subject to*  
15 *clause (i), the Federal share of the total cost*  
16 *of a single project carried out under this*  
17 *subsection may be up to 100 percent.*

18                 “(B) *FLEXIBLE FINANCING.—Subject to sub-*  
19 *paragraph (A), notwithstanding section 120—*

20                   “(i) *funds made available to carry out*  
21 *section 148 may be credited toward the non-*  
22 *Federal share of the costs of a project type*  
23 *under this subsection that the Secretary de-*  
24 *termines to have an expected safety benefit;*  
25 *and*

1                   “(ii) the non-Federal share for a  
2                   project under this subsection may be cal-  
3                   culated on a project, multiple-project, or  
4                   program basis.”.

5 **SEC. 1110. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**  
6 **WAY PROJECTS.**

7           (a) *IN GENERAL.*—Section 117 of title 23, United  
8 *States Code*, is amended—

9                   (1) *in subsection (a)(2)*—

10                           (A) *in subparagraph (A)*, by inserting “in  
11                           and across rural and urban areas” after “peo-  
12                           ple”; and

13                           (B) *in subparagraph (F)*, by inserting “,  
14                           including highways that support movement of  
15                           energy equipment” after “security”;

16                   (2) *in subsection (b)*, by adding at the end the  
17 *following*:

18                           “(3) *GRANT ADMINISTRATION.*—The Secretary  
19 *may*—

20                                   “(A) retain not more than a total of 2 per-  
21                                   cent of the funds made available to carry out  
22                                   this section for the National Surface Transpor-  
23                                   tation and Innovative Finance Bureau to review  
24                                   applications for grants under this section; and

1           “(B) transfer portions of the funds retained  
2 under subparagraph (A) to the relevant Admin-  
3 istrators to fund the award and oversight of  
4 grants provided under this section.”;

5 (3) in subsection (d)—

6           (A) in paragraph (1)(A)—

7           (i) in clause (iii)(II), by striking “or”  
8 at the end;

9           (ii) in clause (iv), by striking “and” at  
10 the end; and

11           (iii) by adding at the end the fol-  
12 lowing:

13           “(v) a wildlife crossing project;

14           “(vi) a surface transportation infra-  
15 structure project that—

16           “(I) is located within the bound-  
17 aries of or functionally connected to an  
18 international border crossing area in  
19 the United States;

20           “(II) improves a transportation  
21 facility owned by a Federal, State, or  
22 local government entity; and

23           “(III) increases throughput effi-  
24 ciency of the border crossing described  
25 in subclause (I), including—

1                   “(aa) a project to add lanes;

2                   “(bb) a project to add tech-

3                   nology; and

4                   “(cc) other surface transpor-

5                   tation improvements; or

6                   “(vii) a project for a marine highway

7                   corridor designated by the Secretary under

8                   section 55601(c) of title 46 (including an

9                   inland waterway corridor), if the Secretary

10                  determines that the project—

11                         “(I) is functionally connected to

12                         the National Highway Freight Net-

13                         work; and

14                         “(II) is likely to reduce on-road

15                         mobile source emissions; and”;

16                         (B) in paragraph (2)(A), in the matter pre-

17                         ceding clause (i)—

18                                 (i) by striking “\$500,000,000” and in-

19                                 serting “30 percent”; and

20                                 (ii) by striking “fiscal years 2016

21                                 through 2020, in the aggregate,” and insert-

22                                 ing “each of fiscal years 2021 through

23                                 2025”; and

24                                 (C) by adding at the end the following:

1           “(3) *CRITICAL RURAL STATE INTERSTATE*  
2 *PROJECTS.*—

3           “(A) *REQUIREMENT.*—*Not less than*  
4 *\$500,000,000 of the amounts made available for*  
5 *grants under this section for fiscal years 2021*  
6 *through 2025, in the aggregate, shall be used to*  
7 *make grants for Interstate interchange projects*  
8 *between 2 routes on the Interstate System that—*

9           “(i) *are located in a State—*

10           “(I) *with a population density of*  
11 *not more than 80 persons per square*  
12 *mile of land area, based on the 2010*  
13 *census; and*

14           “(II) *that has 3 or fewer Inter-*  
15 *state interchanges between 2 routes on*  
16 *the Interstate System; and*

17           “(ii) *are projects that—*

18           “(I) *address a freight system need*  
19 *identified in a State freight plan*  
20 *under section 70202 of title 49 (re-*  
21 *ferred to in this paragraph as a ‘State*  
22 *freight plan’);*

23           “(II) *address a freight mobility*  
24 *issue identified in a State freight plan;*  
25 *or*

1                   “(III) are identified in a State  
2                   *freight plan.*

3                   “(B) *INCLUSION IN STATE FREIGHT*  
4                   *PLAN.—A project described in subparagraph*  
5                   *(A)(ii)(III) may include a project listed in the*  
6                   *freight investment plan required under section*  
7                   *70202(b)(9) of title 49.*

8                   “(C) *UNUTILIZED AMOUNTS.—If, in fiscal*  
9                   *year 2025, the Secretary determines that grants*  
10                   *under this paragraph will not allow for the*  
11                   *amount reserved under subparagraph (A) to be*  
12                   *fully utilized, the Secretary shall use the unuti-*  
13                   *lized amounts to make other grants under this*  
14                   *section during that fiscal year.*

15                   “(4) *CRITICAL URBAN STATE PROJECTS.—*

16                   “(A) *REQUIREMENT.—Not less than*  
17                   *\$500,000,000 of the amounts made available for*  
18                   *grants under this section for fiscal years 2021*  
19                   *through 2025, in the aggregate, shall be used to*  
20                   *make grants to eligible projects that are located*  
21                   *in a State with a population density of not less*  
22                   *than 400 persons per square mile of land area,*  
23                   *based on the 2010 census.*

24                   “(B) *INCLUSION IN STATE FREIGHT*  
25                   *PLAN.—A project described in subparagraph (A)*

1           *may include a project listed in the freight invest-*  
2           *ment plan required under section 70202(b)(9) of*  
3           *title 49.*

4           “(C) *UNUTILIZED AMOUNTS.*—*If, in fiscal*  
5           *year 2025, the Secretary determines that grants*  
6           *under this paragraph will not allow for the*  
7           *amount reserved under subparagraph (A) to be*  
8           *fully utilized, the Secretary shall use the unuti-*  
9           *lized amounts to make other grants under this*  
10           *section during that fiscal year.”;*

11           *(4) in subsection (e)—*

12           *(A) in paragraph (1), by striking “10 per-*  
13           *cent” and inserting “not less than 15 percent”;*

14           *(B) in paragraph (3)—*

15           *(i) in subparagraph (A), by striking*  
16           *“and” at the end;*

17           *(ii) in subparagraph (B), by striking*  
18           *the period at the end and inserting “; and”;*  
19           *and*

20           *(iii) by adding at the end the fol-*  
21           *lowing:*

22           *“(C) the effect of the proposed project on*  
23           *safety on freight corridors with significant haz-*  
24           *ards, such as high winds, heavy snowfall, flood-*

1           *ing, rockslides, mudslides, wildfire, wildlife cross-*  
2           *ing onto the roadway, or steep grades.”; and*

3           *(C) by adding at the end the following:*

4           “(4) *REQUIREMENT.*—*Of the amounts reserved*  
5           *under paragraph (1), not less than 30 percent shall*  
6           *be used for projects in rural areas (as defined in sub-*  
7           *section (i)(3)).”;*

8           *(5) in subsection (h)—*

9           *(A) in paragraph (2), by striking “and” at*  
10          *the end;*

11          *(B) in paragraph (3), by striking the period*  
12          *at the end and inserting “; and”;* and

13          *(C) by adding at the end the following:*

14          “(4) *enhancement of freight resilience to natural*  
15          *hazards or disasters, including high winds, heavy*  
16          *snowfall, flooding, rockslides, mudslides, wildfire,*  
17          *wildlife crossing onto the roadway, or steep grades.”;*

18          *(6) in subsection (i)(2), by striking “other grants*  
19          *under this section” and inserting “grants under sub-*  
20          *section (e)”;*

21          *(7) in subsection (j)—*

22          *(A) by striking the subsection designation*  
23          *and heading and all that follows through “The*  
24          *Federal share” in paragraph (1) and inserting*  
25          *the following:*

1       “(j) *FEDERAL ASSISTANCE.*—

2               “(1) *FEDERAL SHARE.*—

3                       “(A) *IN GENERAL.*—*Except as provided in*  
4                       *subparagraph (B) or for a grant under sub-*  
5                       *section (q), the Federal share*”;

6                       (B) *in paragraph (1), by adding at the end*  
7                       *the following:*

8                       “(B) *SMALL PROJECTS.*—*In the case of a*  
9                       *project described in subsection (e)(1), the Federal*  
10                       *share of the cost of the project shall be 80 per-*  
11                       *cent.*”; and

12                       (C) *in paragraph (2)—*

13                       (i) *by striking “Federal assistance*  
14                       *other” and inserting “Except for grants*  
15                       *under subsection (q), Federal assistance*  
16                       *other*”; and

17                       (ii) *by striking “except that the total*  
18                       *Federal” and inserting the following: “ex-*  
19                       *cept that—*

20                       “(A) *for a State with a population density*  
21                       *of not more than 80 persons per square mile of*  
22                       *land area, based on the 2010 census, the max-*  
23                       *imum share of the total Federal assistance pro-*  
24                       *vided for a project receiving a grant under this*

1           *section shall be the applicable share under sec-*  
2           *tion 120(b); and*

3           *“(B) for a State not described in subpara-*  
4           *graph (A), the total Federal”;*

5           *(8) by redesignating subsections (k) through (n)*  
6           *as subsections (l), (m), (n), and (p), respectively;*

7           *(9) by inserting after subsection (j) the following:*

8           *“(k) EFFICIENT USE OF NON-FEDERAL FUNDS.—*

9           *“(1) IN GENERAL.—Notwithstanding any other*  
10          *provision of law and subject to approval by the Sec-*  
11          *retary under paragraph (2)(B), in the case of any*  
12          *grant for a project under this section, during the pe-*  
13          *riod beginning on the date on which the grant recipi-*  
14          *ent is selected and ending on the date on which the*  
15          *grant agreement is signed—*

16                 *“(A) the grant recipient may obligate and*  
17                 *expend non-Federal funds with respect to the*  
18                 *project for which the grant is provided; and*

19                 *“(B) any non-Federal funds obligated or ex-*  
20                 *pended in accordance with subparagraph (A)*  
21                 *shall be credited toward the non-Federal cost*  
22                 *share for the project for which the grant is pro-*  
23                 *vided.*

24                 *“(2) REQUIREMENTS.—*

1           “(A) *APPLICATION.*—*In order to obligate*  
2           *and expend non-Federal funds under paragraph*  
3           *(1), the grant recipient shall submit to the Sec-*  
4           *retary a request to obligate and expend non-Fed-*  
5           *eral funds under that paragraph, including—*

6                     “(i) *a description of the activities the*  
7                     *grant recipient intends to fund;*

8                     “(ii) *a justification for advancing the*  
9                     *activities described in clause (i), including*  
10                    *an assessment of the effects to the project*  
11                    *scope, schedule, and budget if the request is*  
12                    *not approved; and*

13                    “(iii) *the level of risk of the activities*  
14                    *described in clause (i).*

15           “(B) *APPROVAL.*—*The Secretary shall ap-*  
16           *prove or disapprove each request submitted*  
17           *under subparagraph (A).*

18           “(C) *COMPLIANCE WITH APPLICABLE RE-*  
19           *QUIREMENTS.*—*Any non-Federal funds obligated*  
20           *or expended under paragraph (1) shall comply*  
21           *with all applicable requirements, including any*  
22           *requirements included in the grant agreement.*

23           “(3) *EFFECT.*—*The obligation or expenditure of*  
24           *any non-Federal funds in accordance with this sub-*  
25           *section shall not—*

1           “(A) affect the signing of a grant agreement  
2           or other applicable grant procedures with respect  
3           to the applicable grant;

4           “(B) create an obligation on the part of the  
5           Federal Government to repay any non-Federal  
6           funds if the grant agreement is not signed; or

7           “(C) affect the ability of recipient of the  
8           grant to obligate or expend non-Federal funds to  
9           meet the non-Federal cost share for the project  
10          for which the grant is provided after the period  
11          described in paragraph (1).”;

12          (10) by inserting after subsection (n) (as so re-  
13          designated) the following:

14          “(o) *APPLICANT NOTIFICATION.*—

15                 “(1) *IN GENERAL.*—Not later than 60 days after  
16                 the date on which a grant recipient for a project  
17                 under this section is selected, the Secretary shall pro-  
18                 vide to each eligible applicant not selected for that  
19                 grant a written notification that the eligible appli-  
20                 cant was not selected.

21                 “(2) *INCLUSION.*—A written notification under  
22                 paragraph (1) shall include an offer for a written or  
23                 telephonic debrief by the Secretary that will pro-  
24                 vide—

1           “(A) detail on the evaluation of the applica-  
2           tion of the eligible applicant; and

3           “(B) an explanation of and guidance on the  
4           reasons the application was not selected for a  
5           grant under this section.

6           “(3) RESPONSE.—

7           “(A) IN GENERAL.—Not later than 30 days  
8           after the eligible applicant receives a written no-  
9           tification under paragraph (1), if the eligible ap-  
10          plicant opts to receive a debrief described in  
11          paragraph (2), the eligible applicant shall notify  
12          the Secretary that the eligible applicant is re-  
13          questing a debrief.

14          “(B) DEBRIEF.—If the eligible applicant  
15          submits a request for a debrief under subpara-  
16          graph (A), the Secretary shall provide the debrief  
17          by not later than 60 days after the date on which  
18          the Secretary receives the request for a debrief.”;  
19          and

20          (11) by striking subsection (p) (as so redesign-  
21          ated) and inserting the following:

22          “(p) REPORTS.—

23                  “(1) ANNUAL REPORT.—

24                  “(A) IN GENERAL.—Notwithstanding any  
25                  other provision of law, not later than 30 days

1           *after the date on which the Secretary selects a*  
2           *project for funding under this section, the Sec-*  
3           *retary shall submit to the Committee on Envi-*  
4           *ronment and Public Works of the Senate and the*  
5           *Committee on Transportation and Infrastructure*  
6           *of the House of Representatives a report that de-*  
7           *scribes the reasons for selecting the project, based*  
8           *on any criteria established by the Secretary in*  
9           *accordance with this section.*

10           “(B) *INCLUSIONS.*—*The report submitted*  
11           *under subparagraph (A) shall specify each cri-*  
12           *terion established by the Secretary that the*  
13           *project meets.*

14           “(C) *AVAILABILITY.*—*The Secretary shall*  
15           *make available on the website of the Department*  
16           *of Transportation the report submitted under*  
17           *subparagraph (A).*

18           “(D) *APPLICABILITY.*—*This paragraph ap-*  
19           *plies to all projects described in subparagraph*  
20           *(A) that the Secretary selects on or after Janu-*  
21           *ary 1, 2019.*

22           “(2) *COMPTROLLER GENERAL.*—

23           “(A) *ASSESSMENT.*—*The Comptroller Gen-*  
24           *eral of the United States shall conduct an assess-*  
25           *ment of the establishment, solicitation, selection,*

1           *and justification process with respect to the*  
2           *funding of projects under this section.*

3           “(B) *REPORT.*—*Not later than 1 year after*  
4           *the date of enactment of the America’s Transpor-*  
5           *tation Infrastructure Act of 2019 and annually*  
6           *thereafter, the Comptroller General of the United*  
7           *States shall submit to the Committee on Envi-*  
8           *ronment and Public Works of the Senate and the*  
9           *Committee on Transportation and Infrastructure*  
10           *of the House of Representatives a report that de-*  
11           *scribes, for each project selected to receive fund-*  
12           *ing under this section—*

13                   “(i) *the process by which each project*  
14                   *was selected;*

15                   “(ii) *the factors that went into the se-*  
16                   *lection of each project; and*

17                   “(iii) *the justification for the selection*  
18                   *of each project based on any criteria estab-*  
19                   *lished by the Secretary in accordance with*  
20                   *this section.*

21           “(3) *INSPECTOR GENERAL.*—*Not later than 1*  
22           *year after the date of enactment of the America’s*  
23           *Transportation Infrastructure Act of 2019 and annu-*  
24           *ally thereafter, the Inspector General of the Depart-*  
25           *ment of Transportation shall—*

1           “(A) *conduct an assessment of the establish-*  
2           *ment, solicitation, selection, and justification*  
3           *process with respect to the funding of projects*  
4           *under this section; and*

5           “(B) *submit to the Committee on Environ-*  
6           *ment and Public Works of the Senate and the*  
7           *Committee on Transportation and Infrastructure*  
8           *of the House of Representatives a final report*  
9           *that describes the findings of the Inspector Gen-*  
10          *eral of the Department of Transportation with*  
11          *respect to the assessment conducted under sub-*  
12          *paragraph (A).*

13          “(q) *STATE INCENTIVES PILOT PROGRAM.—*

14           “(1) *ESTABLISHMENT.—There is established a*  
15           *pilot program to award grants to eligible applicants*  
16           *for projects eligible for grants under this section (re-*  
17           *ferred to in this subsection as the ‘pilot program’).*

18           “(2) *PRIORITY.—In awarding grants under the*  
19           *pilot program, the Secretary shall give priority to an*  
20           *application that offers a greater non-Federal share of*  
21           *the cost of a project relative to other applications*  
22           *under the pilot program.*

23           “(3) *FEDERAL SHARE.—*

24           “(A) *IN GENERAL.—Notwithstanding any*  
25           *other provision of law, the Federal share of the*

1           *cost of a project assisted with a grant under the*  
2           *pilot program may not exceed 50 percent.*

3           “(B) *NO FEDERAL INVOLVEMENT.*—

4                   “(i) *IN GENERAL.*—*For grants award-*  
5                   *ed under the pilot program, except as pro-*  
6                   *vided in clause (ii), an eligible applicant*  
7                   *may not use Federal assistance to satisfy*  
8                   *the non-Federal share of the cost under sub-*  
9                   *paragraph (A).*

10                   “(ii) *EXCEPTION.*—*An eligible appli-*  
11                   *cant may use funds from a secured loan (as*  
12                   *defined in section 601(a)) to satisfy the*  
13                   *non-Federal share of the cost under sub-*  
14                   *paragraph (A) if the loan is repayable from*  
15                   *non-Federal funds.*

16           “(4) *RESERVATION.*—

17                   “(A) *IN GENERAL.*—*Of the amounts made*  
18                   *available to provide grants under this section,*  
19                   *the Secretary shall reserve for each fiscal year*  
20                   *\$150,000,000 to provide grants under the pilot*  
21                   *program.*

22                   “(B) *UNUTILIZED AMOUNTS.*—*In any fiscal*  
23                   *year during which applications under this sub-*  
24                   *section are insufficient to effect an award or al-*  
25                   *location of the entire amount reserved under sub-*

1           *paragraph (A), the Secretary shall use the unuti-*  
2           *lized amounts to provide other grants under this*  
3           *section.*

4           “(5) *SET-ASIDES.—*

5                 “(A) *SMALL PROJECTS.—*

6                     “(i) *IN GENERAL.—Of the amounts re-*  
7                     *served under paragraph (4)(A), the Sec-*  
8                     *retary shall reserve for each fiscal year not*  
9                     *less than 10 percent for projects eligible for*  
10                    *a grant under subsection (e).*

11                   “(ii) *REQUIREMENT.—For a grant*  
12                    *awarded from the amount reserved under*  
13                    *clause (i)—*

14                         “(I) *the requirements of subsection*  
15                         *(e) shall apply; and*

16                         “(II) *the requirements of sub-*  
17                         *section (g) shall not apply.*

18                 “(B) *RURAL PROJECTS.—*

19                     “(i) *IN GENERAL.—Of the amounts re-*  
20                     *served under paragraph (4)(A), the Sec-*  
21                     *retary shall reserve for each fiscal year not*  
22                     *less than 25 percent for projects eligible for*  
23                     *a grant under subsection (i).*

24                     “(ii) *REQUIREMENT.—For a grant*  
25                     *awarded from the amount reserved under*

1           *clause (i), the requirements of subsection (i)*  
2           *shall apply.*

3           “(6) *REPORT TO CONGRESS.*—*Not later than 2*  
4           *years after the date of enactment of this subsection,*  
5           *the Secretary shall submit to the Committee on Envi-*  
6           *ronment and Public Works of the Senate and the*  
7           *Committee on Transportation and Infrastructure of*  
8           *the House of Representatives a report that describes*  
9           *the administration of the pilot program, including—*

10            “(A) *the number, types, and locations of eli-*  
11            *gible applicants that have applied for grants*  
12            *under the pilot program;*

13            “(B) *the number, types, and locations of*  
14            *grant recipients under the pilot program;*

15            “(C) *an assessment of whether implementa-*  
16            *tion of the pilot program has incentivized eligi-*  
17            *ble applicants to offer a greater non-Federal*  
18            *share for grants under the pilot program; and*

19            “(D) *any recommendations for modifica-*  
20            *tions to the pilot program.”.*

21           (b) *EFFICIENT USE OF NON-FEDERAL FUNDS.*—

22            (1) *IN GENERAL.*—*Notwithstanding any other*  
23            *provision of law, in the case of a grant described in*  
24            *paragraph (2), section 117(k) of title 23, United*

1       *States Code, shall apply to the grant as if the grant*  
 2       *was a grant provided under that section.*

3               (2) *GRANT DESCRIBED.*—*A grant referred to in*  
 4       *paragraph (1) is a grant that is—*

5                       (A) *provided under a competitive discre-*  
 6                       *tionary grant program administered by the Fed-*  
 7                       *eral Highway Administration;*

8                       (B) *for a project eligible under title 23,*  
 9                       *United States Code; and*

10                      (C) *in an amount greater than \$5,000,000.*

11 **SEC. 1111. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

12       *Section 148 of title 23, United States Code, is amend-*  
 13 *ed—*

14               (1) *in subsection (a)—*

15                       (A) *in paragraph (4)(B)—*

16                               (i) *in clause (xxviii), by striking*  
 17                               *“through (xxvii)” and inserting “through*  
 18                               *(xxviii)”;*

19                               (ii) *by redesignating clause (xxviii) as*  
 20                               *clause (xxix); and*

21                               (iii) *by inserting after clause (xxvii)*  
 22                               *the following:*

23                                       *“(xxviii) Leading pedestrian inter-*  
 24                                       *vals.”;*

1           (B) by redesignating paragraphs (10)  
2 through (12) as paragraphs (11) through (13),  
3 respectively; and

4           (C) by inserting after paragraph (9) the fol-  
5 lowing:

6           “(10) SAFETY PROJECT UNDER ANY OTHER SEC-  
7 TION.—

8           “(A) IN GENERAL.—The term ‘safety project  
9 under any other section’ means a project carried  
10 out for the purpose of safety under any other sec-  
11 tion of this title.

12           “(B) INCLUSION.—The term ‘safety project  
13 under any other section’ includes a project, con-  
14 sistent with the State strategic highway safety  
15 plan, that—

16           “(i) promotes public awareness and in-  
17 forms the public regarding highway safety  
18 matters (including motorcycle safety);

19           “(ii) facilitates enforcement of traffic  
20 safety laws;

21           “(iii) provides infrastructure and in-  
22 frastructure-related equipment to support  
23 emergency services; or

1                   “(iv) conducts safety-related research to  
2                   evaluate experimental safety counter-  
3                   measures or equipment.”;

4                   (2) in subsection (c)(1)(A), by striking “sub-  
5                   sections (a)(11)” and inserting “subsections (a)(12)”;

6                   (3) in subsection (d)(2)(B)(i), by striking “sub-  
7                   section (a)(11)” and inserting “subsection (a)(12)”;  
8                   and

9                   (4) in subsection (e), by adding at the end the  
10                  following:

11                  “(3) *FLEXIBLE FUNDING FOR SAFETY PROJECTS*  
12                  *UNDER ANY OTHER SECTION.*—

13                  “(A) *IN GENERAL.*—To advance the imple-  
14                  mentation of a State strategic highway safety  
15                  plan, a State may use not more than 25 percent  
16                  of the amounts apportioned to the State under  
17                  section 104(b)(3) for a fiscal year to carry out  
18                  safety projects under any other section.

19                  “(B) *OTHER TRANSPORTATION AND HIGH-*  
20                  *WAY SAFETY PLANS.*—Nothing in this paragraph  
21                  requires a State to revise any State process,  
22                  plan, or program in effect on the date of enact-  
23                  ment of this paragraph.”.

1 **SEC. 1112. FEDERAL LANDS TRANSPORTATION PROGRAM.**

2 *Section 203(a) of title 23, United States Code, is*  
3 *amended—*

4 *(1) in paragraph (1)—*

5 *(A) in subparagraph (B), by adding “and”*  
6 *at the end;*

7 *(B) in subparagraph (C), by striking “;*  
8 *and” and inserting a period; and*

9 *(C) in subparagraph (D), by striking*  
10 *“\$10,000,000” and inserting “\$20,000,000”; and*  
11 *(2) by adding at the end the following:*

12 *“(6) NATIVE PLANT MATERIALS.—In carrying*  
13 *out an activity described in paragraph (1), the entity*  
14 *carrying out the activity shall consider—*

15 *“(A) the use of locally adapted native plant*  
16 *materials; and*

17 *“(B) designs that minimize runoff and heat*  
18 *generation.”.*

19 **SEC. 1113. FEDERAL LANDS ACCESS PROGRAM.**

20 *Section 204(a) of title 23, United States Code, is*  
21 *amended—*

22 *(1) in paragraph (1)(A)—*

23 *(A) in the matter preceding clause (i), by*  
24 *inserting “context-sensitive solutions,” after “res-*  
25 *toration,”;*

1           (B) in clause (i), by inserting “, including  
2           interpretive panels in or adjacent to those areas”  
3           after “areas”;

4           (C) in clause (v), by striking “and” at the  
5           end;

6           (D) by redesignating clause (vi) as clause  
7           (ix); and

8           (E) by inserting after clause (v) the fol-  
9           lowing:

10                   “(vi) contextual wayfinding markers;

11                   “(vii) landscaping;

12                   “(viii) cooperative mitigation of visual  
13                   blight, including screening or removal;  
14                   and”;

15           (2) by adding at the end the following:

16                   “(6) NATIVE PLANT MATERIALS.—In carrying  
17                   out an activity described in paragraph (1), the Sec-  
18                   retary shall ensure that the entity carrying out the  
19                   activity considers—

20                           “(A) the use of locally adapted native plant  
21                           materials; and

22                           “(B) designs that minimize runoff and heat  
23                           generation.”.

1 **SEC. 1114. NATIONAL HIGHWAY FREIGHT PROGRAM.**

2 *Section 167 of title 23, United States Code, is amend-*  
3 *ed—*

4 *(1) in subsection (e)—*

5 *(A) in paragraph (2), by striking “150*  
6 *miles” and inserting “300 miles”; and*

7 *(B) by adding at the end the following:*

8 *“(3) RURAL STATES.—Notwithstanding para-*  
9 *graph (2), a State with a population per square mile*  
10 *of area that is less than the national average, based*  
11 *on the 2010 census, may designate as critical rural*  
12 *freight corridors a maximum of 600 miles of highway*  
13 *or 25 percent of the primary highway freight system*  
14 *mileage in the State, whichever is greater.”;*

15 *(2) in subsection (f)(4), by striking “75 miles”*  
16 *and inserting “150 miles”; and*

17 *(3) in subsection (i)(5)(B)—*

18 *(A) in the matter preceding clause (i), by*  
19 *striking “10 percent” and inserting “30 per-*  
20 *cent”;*

21 *(B) in clause (i), by striking “and” at the*  
22 *end;*

23 *(C) in clause (ii), by striking the period at*  
24 *the end and inserting a semicolon; and*

25 *(D) by adding at the end the following:*

1           “(iii) for the modernization or reha-  
2           bilitation of a lock and dam, if the Sec-  
3           retary determines that the project—

4                       “(I) is functionally connected to  
5                       the National Highway Freight Net-  
6                       work; and

7                       “(II) is likely to reduce on-road  
8                       mobile source emissions; and

9           “(iv) on a marine highway corridor,  
10           connector, or crossing designated by the Sec-  
11           retary under section 55601(c) of title 46  
12           (including an inland waterway corridor,  
13           connector, or crossing), if the Secretary de-  
14           termines that the project—

15                       “(I) is functionally connected to  
16                       the National Highway Freight Net-  
17                       work; and

18                       “(II) is likely to reduce on-road  
19                       mobile source emissions.”.

20 **SEC. 1115. CONGESTION MITIGATION AND AIR QUALITY IM-**  
21 **PROVEMENT PROGRAM.**

22           Section 149 of title 23, United States Code, is amend-  
23 ed—

24                       (1) in subsection (b)—

1           (A) in the matter preceding paragraph (1),  
2           by striking “subsection (d)” and inserting “sub-  
3           sections (d) and (m)(1)(B)(ii)”

4           (B) in paragraph (8)(B), by striking “or”  
5           at the end;

6           (C) in paragraph (9), by striking the period  
7           at the end and inserting a semicolon; and

8           (D) by adding at the end the following:

9           “(10) if the project is for the modernization or  
10          rehabilitation of a lock and dam that—

11           “(A) is functionally connected to the Fed-  
12          eral-aid highway system; and

13           “(B) the Secretary determines is likely to  
14          contribute to the attainment or maintenance of  
15          a national ambient air quality standard; or

16           “(11) if the project is on a marine highway cor-  
17          ridor, connector, or crossing designated by the Sec-  
18          retary under section 55601(c) of title 46 (including  
19          an inland waterway corridor, connector, or crossing)  
20          that—

21           “(A) is functionally connected to the Fed-  
22          eral-aid highway system; and

23           “(B) the Secretary determines is likely to  
24          contribute to the attainment or maintenance of  
25          a national ambient air quality standard.”;

1           (2) *in subsection (c), by adding at the end the*  
2 *following:*

3           “(4) *LOCKS AND DAMS; MARINE HIGHWAYS.—For*  
4 *each fiscal year, a State may not obligate more than*  
5 *10 percent of the funds apportioned to the State*  
6 *under section 104(b)(4) for projects described in para-*  
7 *graphs (10) and (11) of subsection (b).”;* and

8           (3) *by striking subsection (m) and inserting the*  
9 *following:*

10          “(m) *OPERATING ASSISTANCE.—*

11           “(1) *IN GENERAL.—A State may obligate funds*  
12 *apportioned under section 104(b)(4) in an area of the*  
13 *State that is otherwise eligible for obligations of such*  
14 *funds for operating costs—*

15           “(A) *under chapter 53 of title 49; or*

16           “(B) *on—*

17           “(i) *a system for which CMAQ funding*  
18 *was eligible, made available, obligated, or*  
19 *expended in fiscal year 2012; or*

20           “(ii) *a State-supported Amtrak route*  
21 *with a valid cost-sharing agreement under*  
22 *section 209 of the Passenger Rail Invest-*  
23 *ment and Improvement Act of 2008 (49*  
24 *U.S.C. 24101 note; Public Law 110–432)*

1                   and no current nonattainment areas under  
2                   subsection (d).

3                   “(2) *NO TIME LIMITATION.*—Operating assist-  
4                   ance provided under paragraph (1) shall have no im-  
5                   posed time limitation if the operating assistance is  
6                   for—

7                   “(A) a route described in subparagraph  
8                   (B)(ii) of that paragraph; or

9                   “(B) a transit system that is located in—

10                   “(i) a non-urbanized area; or

11                   “(ii) an urbanized area with a popu-  
12                   lation of 200,000 or fewer.”.

13 **SEC. 1116. NATIONAL SCENIC BYWAYS PROGRAM.**

14                   (a) *REQUEST FOR NOMINATIONS.*—Not later than 90  
15                   days after the date of enactment of this Act, the Secretary  
16                   shall issue a request for nominations with respect to roads  
17                   to be designated under the national scenic byways program,  
18                   as described in section 162(a) of title 23, United States  
19                   Code. The Secretary shall make the request for nominations  
20                   available on the appropriate website of the Department.

21                   (b) *DESIGNATION DETERMINATIONS.*—Not later than  
22                   1 year after the date on which the request for nominations  
23                   required under subsection (a) is issued, the Secretary shall  
24                   make publicly available on the appropriate website of the  
25                   Department a list specifying the roads, nominated pursu-

1 *ant to such request, to be designated under the national sce-*  
2 *nic byways program.*

3 **SEC. 1117. ALASKA HIGHWAY.**

4 *Section 218 of title 23, United States Code, is amended*  
5 *to read as follows:*

6 **“§218. Alaska Highway**

7 *“(a) Recognizing the benefits that will accrue to the*  
8 *State of Alaska and to the United States from the recon-*  
9 *struction of the Alaska Highway from the Alaskan border*  
10 *at Beaver Creek, Yukon Territory, to Haines Junction in*  
11 *Canada and the Haines Cutoff Highway from Haines*  
12 *Junction in Canada to Haines, Alaska, the Secretary may*  
13 *provide for the necessary reconstruction of the highway*  
14 *using funds awarded through an applicable competitive*  
15 *grant program, if the highway meets all applicable eligi-*  
16 *bility requirements for the program, except for the specific*  
17 *requirements established by the agreement for the Alaska*  
18 *Highway Project between the Government of the United*  
19 *States and the Government of Canada. In addition to the*  
20 *funds described in the previous sentence, notwithstanding*  
21 *any other provision of law and on agreement with the State*  
22 *of Alaska, the Secretary is authorized to expend on such*  
23 *highway or the Alaska Marine Highway System any Fed-*  
24 *eral-aid highway funds apportioned to the State of Alaska*  
25 *under this title at a Federal share of 100 per centum. No*

1 *expenditures shall be made for the construction of the por-*  
2 *tion of such highways that are in Canada unless an agree-*  
3 *ment is in place between the Government of Canada and*  
4 *the Government of the United States (including an agree-*  
5 *ment in existence on the date of enactment of the America's*  
6 *Transportation Infrastructure Act of 2019) that provides,*  
7 *in part, that the Canadian Government—*

8           “(1) *will provide, without participation of funds*  
9           *authorized under this title, all necessary right-of-way*  
10           *for the reconstruction of such highways;*

11           “(2) *will not impose any highway toll, or permit*  
12           *any such toll to be charged for the use of such high-*  
13           *ways by vehicles or persons;*

14           “(3) *will not levy or assess, directly or indi-*  
15           *rectly, any fee, tax, or other charge for the use of such*  
16           *highways by vehicles or persons from the United*  
17           *States that does not apply equally to vehicles or per-*  
18           *sons of Canada;*

19           “(4) *will continue to grant reciprocal recognition*  
20           *of vehicle registration and driver's licenses in accord-*  
21           *ance with agreements between the United States and*  
22           *Canada; and*

23           “(5) *will maintain such highways after their*  
24           *completion in proper condition adequately to serve*  
25           *the needs of present and future traffic.*

1       “(b) *The survey and construction work undertaken in*  
 2 *Canada pursuant to this section shall be under the general*  
 3 *supervision of the Secretary.*

4       “(c) *For purposes of this section, the term ‘Alaska Ma-*  
 5 *rine Highway System’ includes all existing or planned*  
 6 *transportation facilities and equipment in Alaska, includ-*  
 7 *ing the lease, purchase, or construction of vessels, terminals,*  
 8 *docks, floats, ramps, staging areas, parking lots, bridges*  
 9 *and approaches thereto, and necessary roads.”.*

10 **SEC. 1118. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

11       *Section 129(c) of title 23, United States Code, is*  
 12 *amended in the matter preceding paragraph (1) by striking*  
 13 *“the construction of ferry boats and ferry terminal facili-*  
 14 *ties, whether toll or free,” and inserting “the construction*  
 15 *of ferry boats and ferry terminal facilities (including ferry*  
 16 *maintenance facilities), whether toll or free, and the pro-*  
 17 *curement of transit vehicles used exclusively as an integral*  
 18 *part of an intermodal ferry trip,”.*

19 **SEC. 1119. BRIDGE INVESTMENT PROGRAM.**

20       (a) *IN GENERAL.*—Chapter 1 of title 23, United States  
 21 Code, is amended by inserting after section 123 the fol-  
 22 lowing:

23 **“§ 124. Bridge investment program**

24       “(a) *DEFINITIONS.*—*In this section:*

25               “(1) *ELIGIBLE PROJECT.*—

1           “(A) *IN GENERAL.*—*The term ‘eligible*  
2           *project’ means a project to replace, rehabilitate,*  
3           *preserve, or protect 1 or more bridges on the Na-*  
4           *tional Bridge Inventory under section 144(b).*

5           “(B) *INCLUSIONS.*—*The term ‘eligible*  
6           *project’ includes—*

7                   “(i) *a bundle of projects described in*  
8                   *subparagraph (A), regardless of whether the*  
9                   *bundle of projects meets the requirements of*  
10                  *section 144(j)(5); and*

11                   “(ii) *a project to replace or rehabilitate*  
12                   *culverts for the purpose of improving flood*  
13                   *control and improved habitat connectivity*  
14                   *for aquatic species.*

15           “(2) *LARGE PROJECT.*—*The term ‘large project’*  
16           *means an eligible project with total eligible project*  
17           *costs of greater than \$100,000,000.*

18           “(3) *PROGRAM.*—*The term ‘program’ means the*  
19           *bridge investment program established by subsection*  
20           *(b)(1).*

21           “(b) *ESTABLISHMENT OF BRIDGE INVESTMENT PRO-*  
22           *GRAM.*—

23                   “(1) *IN GENERAL.*—*There is established a bridge*  
24                   *investment program to provide financial assistance*  
25                   *for eligible projects under this section.*

1           “(2) *GOALS.*—*The goals of the program shall*  
2     *be—*

3                     “(A) *to improve the safety, efficiency, and*  
4                     *reliability of the movement of people and freight*  
5                     *over bridges;*

6                     “(B) *to improve the condition of bridges in*  
7                     *the United States by reducing—*

8                             “(i) *the number of bridges—*

9                                     “(I) *in poor condition; or*

10                                    “(II) *in fair condition and at risk*  
11                                    *of falling into poor condition within*  
12                                    *the next 3 years;*

13                             “(ii) *the total person miles traveled*  
14                             *over bridges—*

15                                    “(I) *in poor condition; or*

16                                    “(II) *in fair condition and at risk*  
17                                    *of falling into poor condition within*  
18                                    *the next 3 years;*

19                             “(iii) *the number of bridges that—*

20                                    “(I) *do not meet current geometric*  
21                                    *design standards; or*

22                                    “(II) *cannot meet the load and*  
23                                    *traffic requirements typical of the re-*  
24                                    *gional transportation network; and*

1                   “(iv) the total person miles traveled  
2                   over bridges that—

3                                 “(I) do not meet current geometric  
4                                 design standards; or

5                                 “(II) cannot meet the load and  
6                                 traffic requirements typical of the re-  
7                                 gional transportation network; and

8                                 “(C) to provide financial assistance that  
9                                 leverages and encourages non-Federal contribu-  
10                                tions from sponsors and stakeholders involved in  
11                                the planning, design, and construction of eligible  
12                                projects.

13                   “(c) GRANT AUTHORITY.—

14                                 “(1) IN GENERAL.—In carrying out the pro-  
15                                 gram, the Secretary may award grants, on a competi-  
16                                 tive basis, in accordance with this section.

17                                 “(2) GRANT AMOUNTS.—Except as otherwise pro-  
18                                 vided, a grant under the program shall be—

19                                         “(A) in the case of a large project, in an  
20                                         amount that is—

21                                                 “(i) adequate to fully fund the project  
22                                                 (in combination with other financial re-  
23                                                 sources identified in the application); and

24                                                 “(ii) not less than \$50,000,000; and

1           “(B) in the case of any other eligible  
2 project, in an amount that is—

3                   “(i) adequate to fully fund the project  
4 (in combination with other financial re-  
5 sources identified in the application); and

6                   “(ii) not less than \$2,500,000.

7           “(3) *MAXIMUM AMOUNT.*—*Except as otherwise*  
8 *provided, for an eligible project receiving assistance*  
9 *under the program, the amount of assistance provided*  
10 *by the Secretary under this section, as a share of eli-*  
11 *gible project costs, shall be—*

12                   “(A) in the case of a large project, not more  
13 than 50 percent; and

14                   “(B) in the case of any other eligible  
15 project, not more than 80 percent.

16           “(4) *FEDERAL SHARE.*—

17                   “(A) *MAXIMUM FEDERAL INVOLVEMENT.*—  
18 *Federal assistance other than a grant under the*  
19 *program may be used to satisfy the non-Federal*  
20 *share of the cost of a project for which a grant*  
21 *is made, except that the total Federal assistance*  
22 *provided for a project receiving a grant under*  
23 *the program may not exceed the Federal share*  
24 *for the project under section 120.*

1           “(B) *OFF-SYSTEM BRIDGES.*—*In the case of*  
2 *an eligible project for an off-system bridge (as*  
3 *defined in section 133(f)(1))—*

4           “(i) *Federal assistance other than a*  
5 *grant under the program may be used to*  
6 *satisfy the non-Federal share of the cost of*  
7 *a project; and*

8           “(ii) *notwithstanding subparagraph*  
9 *(A), the total Federal assistance provided*  
10 *for the project shall not exceed 90 percent of*  
11 *the total eligible project costs.*

12           “(C) *FEDERAL LAND MANAGEMENT AGEN-*  
13 *CIES AND TRIBAL GOVERNMENTS.*—*Notwith-*  
14 *standing any other provision of law, Federal*  
15 *funds other than Federal funds made available*  
16 *under this section may be used to pay the re-*  
17 *maining share of the cost of a project under the*  
18 *program by a Federal land management agency*  
19 *or a Tribal government or consortium of Tribal*  
20 *governments.*

21           “(5) *CONSIDERATIONS.*—

22           “(A) *IN GENERAL.*—*In awarding grants*  
23 *under the program, the Secretary shall con-*  
24 *sider—*

1           “(i) in the case of a large project, the  
2 ratings assigned under subsection (g)(5)(A);

3           “(ii) in the case of an eligible project  
4 other than a large project, the quality rat-  
5 ing assigned under subsection (f)(3)(A)(ii);

6           “(iii) the average daily person and  
7 freight throughput supported by the eligible  
8 project;

9           “(iv) the number and percentage of  
10 bridges within the same State as the eligible  
11 project that are in poor condition;

12           “(v) the extent to which the eligible  
13 project demonstrates cost savings by bun-  
14 dling multiple bridge projects;

15           “(vi) in the case of an eligible project  
16 of a Federal land management agency, the  
17 extent to which the grant would reduce a  
18 Federal liability or Federal infrastructure  
19 maintenance backlog;

20           “(vii) geographic diversity among  
21 grant recipients, including the need for a  
22 balance between the needs of rural and  
23 urban communities; and

24           “(viii) the extent to which a bridge  
25 that would be assisted with a grant—

1                   “(I) is, without that assistance—

2                           “(aa) at risk of falling into

3                           or remaining in poor condition;

4                           or

5                           “(bb) in fair condition and

6                           at risk of falling into poor condi-

7                           tion within the next 3 years;

8                   “(II) does not meet current geo-

9                   metric design standards based on—

10                           “(aa) the current use of the

11                           bridge; or

12                           “(bb) load and traffic re-

13                           quirements typical of the regional

14                           corridor or local network in which

15                           the bridge is located; or

16                   “(III) does not meet current seis-

17                   mic design standards.

18                   “(B)    REQUIREMENT.—The    Secretary

19                   shall—

20                           “(i) give priority to an application for

21                           an eligible project that is located within a

22                           State for which—

23                           “(I) 2 or more applications for el-

24                           igible projects within the State were

25                           submitted for the current fiscal year

1           *and an average of 2 or more applica-*  
2           *tions for eligible projects within the*  
3           *State were submitted in prior fiscal*  
4           *years of the program; and*

5           “(II) *fewer than 2 grants have*  
6           *been awarded for eligible projects with-*  
7           *in the State under the program;*

8           “(ii) *during the period of fiscal years*  
9           *2021 through 2025, for each State described*  
10          *in clause (i), select—*

11           “(I) *not fewer than 1 large project*  
12           *that the Secretary determines is justi-*  
13           *fied under the evaluation under sub-*  
14           *section (g)(4); or*

15           “(II) *2 eligible projects that are*  
16           *not large projects that the Secretary*  
17           *determines are justified under the eval-*  
18           *uation under subsection (f)(3); and*

19           “(iii) *not be required to award a grant*  
20           *for an eligible project that the Secretary*  
21           *does not determine is justified under an*  
22           *evaluation under subsection (f)(3) or (g)(4).*

23           “(6) *CULVERT LIMITATION.—Not more than 5*  
24           *percent of the amounts made available for each fiscal*  
25           *year for grants under the program may be used for*

1       *eligible projects that consist solely of culvert replace-*  
2       *ment or rehabilitation.*

3       “(d) *ELIGIBLE ENTITY.—The Secretary may make a*  
4       *grant under the program to any of the following:*

5               “(1) *A State or a group of States.*

6               “(2) *A metropolitan planning organization that*  
7       *serves an urbanized area (as designated by the Bu-*  
8       *reau of the Census) with a population of over*  
9       *200,000.*

10              “(3) *A unit of local government or a group of*  
11       *local governments.*

12              “(4) *A political subdivision of a State or local*  
13       *government.*

14              “(5) *A special purpose district or public author-*  
15       *ity with a transportation function.*

16              “(6) *A Federal land management agency.*

17              “(7) *A Tribal government or a consortium of*  
18       *Tribal governments.*

19              “(8) *A multistate or multijurisdictional group of*  
20       *entities described in paragraphs (1) through (7).*

21       “(e) *ELIGIBLE PROJECT REQUIREMENTS.—The Sec-*  
22       *retary may make a grant under the program only to an*  
23       *eligible entity for an eligible project that—*

1           “(1) *in the case of a large project, the Secretary*  
2           *recommends for funding in the annual report on*  
3           *funding recommendations under subsection (g)(6);*

4           “(2) *is reasonably expected to begin construction*  
5           *not later than 18 months after the date on which*  
6           *funds are obligated for the project; and*

7           “(3) *is based on the results of preliminary engi-*  
8           *neering.*

9           “(f) *COMPETITIVE PROCESS AND EVALUATION OF ELI-*  
10          *GIBLE PROJECTS OTHER THAN LARGE PROJECTS.—*

11           “(1) *COMPETITIVE PROCESS.—*

12           “(A) *IN GENERAL.—The Secretary shall—*

13                   “(i) *for the first fiscal year for which*  
14                   *funds are made available for obligation*  
15                   *under the program, not later than 60 days*  
16                   *after the date on which the template under*  
17                   *subparagraph (B)(i) is developed, and in*  
18                   *subsequent fiscal years, not later than 60*  
19                   *days after the date on which amounts are*  
20                   *made available for obligation under the pro-*  
21                   *gram, solicit grant applications for eligible*  
22                   *projects other than large projects; and*

23                   “(ii) *not later than 120 days after the*  
24                   *date on which the solicitation under clause*

1           *(i) expires, conduct evaluations under para-*  
2           *graph (3).*

3           “(B) *REQUIREMENTS.—In carrying out*  
4           *subparagraph (A), the Secretary shall—*

5                   *“(i) develop a template for applicants*  
6                   *to use to summarize project needs and bene-*  
7                   *fits, including benefits described in para-*  
8                   *graph (3)(B)(i); and*

9                   *“(ii) enable applicants to use data*  
10                  *from the National Bridge Inventory under*  
11                  *section 144(b) to populate templates de-*  
12                  *scribed in clause (i), as applicable.*

13           “(2) *APPLICATIONS.—An eligible entity shall*  
14           *submit to the Secretary an application at such time,*  
15           *in such manner, and containing such information as*  
16           *the Secretary may require.*

17           “(3) *EVALUATION.—*

18                   *“(A) IN GENERAL.—Prior to providing a*  
19                   *grant under this subsection, the Secretary*  
20                   *shall—*

21                           *“(i) conduct an evaluation of each eli-*  
22                           *gible project for which an application is re-*  
23                           *ceived under this subsection; and*

1           “(i) assign a quality rating to the eli-  
2           gible project on the basis of the evaluation  
3           under clause (i).

4           “(B) REQUIREMENTS.—In carrying out an  
5           evaluation under subparagraph (A), the Sec-  
6           retary shall—

7                   “(i) consider information on project  
8                   benefits submitted by the applicant using  
9                   the template developed under paragraph  
10                  (1)(B)(i), including whether the project will  
11                  generate, as determined by the Secretary—

12                           “(I) costs avoided by the preven-  
13                           tion of closure or reduced use of the  
14                           bridge to be improved by the project;

15                           “(II) in the case of a bundle of  
16                           projects, benefits from executing the  
17                           projects as a bundle compared to as in-  
18                           dividual projects;

19                           “(III) safety benefits, including  
20                           the reduction of accidents and related  
21                           costs;

22                           “(IV) person and freight mobility  
23                           benefits, including congestion reduction  
24                           and reliability improvements;

1           “(V) national or regional eco-  
2           nomic benefits;

3           “(VI) benefits from long-term re-  
4           siliency to extreme weather events,  
5           flooding, or other natural disasters;

6           “(VII) benefits from protection (as  
7           described in section 133(b)(10)), in-  
8           cluding improving seismic or scour  
9           protection;

10          “(VIII) environmental benefits,  
11          including wildlife connectivity;

12          “(IX) benefits to nonvehicular and  
13          public transportation users;

14          “(X) benefits of using—

15               “(aa) innovative design and  
16               construction techniques; or

17               “(bb) innovative technologies;  
18               or

19          “(XI) reductions in maintenance  
20          costs, including, in the case of a feder-  
21          ally-owned bridge, cost savings to the  
22          Federal budget; and

23          “(ii) consider whether and the extent to  
24          which the benefits, including the benefits de-

1                   scribed in clause (i), are more likely than  
2                   not to outweigh the total project costs.

3           “(g) *COMPETITIVE PROCESS, EVALUATION, AND AN-*  
4 *NUAL REPORT FOR LARGE PROJECTS.*—

5                   “(1) *IN GENERAL.*—*The Secretary shall establish*  
6                   *an annual date by which an eligible entity submit-*  
7                   *ting an application for a large project shall submit*  
8                   *to the Secretary such information as the Secretary*  
9                   *may require, including information described in*  
10                  *paragraph (2), in order for a large project to be con-*  
11                  *sidered for a recommendation by the Secretary for*  
12                  *funding in the next annual report under paragraph*  
13                  *(6).*

14                  “(2) *INFORMATION REQUIRED.*—*The information*  
15                  *referred to in paragraph (1) includes—*

16                          “(A) *all necessary information required for*  
17                          *the Secretary to evaluate the large project; and*

18                          “(B) *information sufficient for the Sec-*  
19                          *retary to determine that—*

20                                  “(i) *the large project meets the applica-*  
21                                  *ble requirements under this section; and*

22                                  “(ii) *there is a reasonable likelihood*  
23                                  *that the large project will continue to meet*  
24                                  *the requirements under this section.*

1           “(3) *DETERMINATION; NOTICE.*—On making a  
2           *determination that information submitted to the Sec-*  
3           *retary under paragraph (1) is sufficient, the Sec-*  
4           *retary shall provide a written notice of that deter-*  
5           *mination to—*

6                   “(A) *the eligible entity that submitted the*  
7                   *application;*

8                   “(B) *the Committee on Environment and*  
9                   *Public Works of the Senate; and*

10                   “(C) *the Committee on Transportation and*  
11                   *Infrastructure of the House of Representatives.*

12           “(4) *EVALUATION.*—*The Secretary may rec-*  
13           *ommend a large project for funding in the annual re-*  
14           *port under paragraph (6) only if the Secretary evalu-*  
15           *ates the proposed project and determines that the*  
16           *project is justified because the project—*

17                   “(A) *addresses a need to improve the condi-*  
18                   *tion of the bridge, as determined by the Sec-*  
19                   *retary, consistent with the goals of the program*  
20                   *under subsection (b)(2);*

21                   “(B) *will generate, as determined by the*  
22                   *Secretary—*

23                           “(i) *costs avoided by the prevention of*  
24                           *closure or reduced use of the bridge to be*  
25                           *improved by the project;*

1           “(ii) in the case of a bundle of projects,  
2           benefits from executing the projects as a  
3           bundle compared to as individual projects;

4           “(iii) safety benefits, including the re-  
5           duction of accidents and related costs;

6           “(iv) person and freight mobility bene-  
7           fits, including congestion reduction and re-  
8           liability improvements;

9           “(v) national or regional economic  
10          benefits;

11          “(vi) benefits from long-term resiliency  
12          to extreme weather events, flooding, or other  
13          natural disasters;

14          “(vii) benefits from protection (as de-  
15          scribed in section 133(b)(10)), including  
16          improving seismic or scour protection;

17          “(viii) environmental benefits, includ-  
18          ing wildlife connectivity;

19          “(ix) benefits to nonvehicular and pub-  
20          lic transportation users;

21          “(x) benefits of using—

22                  “(I) innovative design and con-  
23                  struction techniques; or

24                  “(II) innovative technologies; or

1                   “(xi) reductions in maintenance costs,  
2                   including, in the case of a federally-owned  
3                   bridge, cost savings to the Federal budget;

4                   “(C) is cost effective based on an analysis of  
5                   whether the benefits and avoided costs described  
6                   in subparagraph (B) are expected to outweigh  
7                   the project costs;

8                   “(D) is supported by other Federal or non-  
9                   Federal financial commitments or revenues ade-  
10                  quate to fund ongoing maintenance and preser-  
11                  vation; and

12                  “(E) is consistent with the objectives of an  
13                  applicable asset management plan of the project  
14                  sponsor, including a State asset management  
15                  plan under section 119(e) in the case of a project  
16                  on the National Highway System that is spon-  
17                  sored by a State.

18                  “(5) RATINGS.—

19                  “(A) IN GENERAL.—The Secretary shall de-  
20                  velop a methodology to evaluate and rate a large  
21                  project on a 5-point scale (the points of which  
22                  include ‘high’, ‘medium-high’, ‘medium’, ‘me-  
23                  dium-low’, and ‘low’) for each of—

24                         “(i) paragraph (4)(B);

25                         “(ii) paragraph (4)(C); and

1                   “(iii) paragraph (4)(D).

2                   “(B) REQUIREMENT.—To be considered jus-  
3                   tified and receive a recommendation for funding  
4                   in the annual report under paragraph (6), a  
5                   project shall receive a rating of not less than  
6                   ‘medium’ for each rating required under sub-  
7                   paragraph (A).

8                   “(6) ANNUAL REPORT ON FUNDING REC-  
9                   COMMENDATIONS FOR LARGE PROJECTS.—

10                   “(A) IN GENERAL.—Not later than the first  
11                   Monday in February of each year, the Secretary  
12                   shall submit to the Committees on Transpor-  
13                   tation and Infrastructure and Appropriations of  
14                   the House of Representatives and the Committees  
15                   on Environment and Public Works and Appro-  
16                   priations of the Senate a report that includes—

17                   “(i) a list of large projects that have  
18                   requested a recommendation for funding  
19                   under a new grant agreement from funds  
20                   anticipated to be available to carry out this  
21                   subsection in the next fiscal year;

22                   “(ii) the evaluation under paragraph  
23                   (4) and ratings under paragraph (5) for  
24                   each project referred to in clause (i);

1           “(iii) the grant amounts that the Sec-  
2           retary recommends providing to large  
3           projects in the next fiscal year, including—

4                   “(I) scheduled payments under  
5                   previously signed multiyear grant  
6                   agreements under subsection (j);

7                   “(II) payments for new grant  
8                   agreements, including single-year  
9                   grant agreements and multiyear grant  
10                  agreements; and

11                  “(III) a description of how  
12                  amounts anticipated to be available for  
13                  the program from the Highway Trust  
14                  Fund for that fiscal year will be dis-  
15                  tributed; and

16                  “(iv) for each project for which the Sec-  
17                  retary recommends a new multiyear grant  
18                  agreement under subsection (j), the proposed  
19                  payout schedule for the project.

20                  “(B) LIMITATIONS.—

21                   “(i) IN GENERAL.—The Secretary shall  
22                   not recommend in an annual report under  
23                   this paragraph a new multiyear grant  
24                   agreement provided from funds from the  
25                   Highway Trust Fund unless the Secretary

1 *determines that the project can be completed*  
2 *using funds that are anticipated to be*  
3 *available from the Highway Trust Fund in*  
4 *future fiscal years.*

5 *“(ii) GENERAL FUND PROJECTS.—The*  
6 *Secretary—*

7 *“(I) may recommend for funding*  
8 *in an annual report under this para-*  
9 *graph a large project using funds from*  
10 *the general fund of the Treasury; but*

11 *“(II) shall not execute a grant*  
12 *agreement for that project unless—*

13 *“(aa) funds other than from*  
14 *the Highway Trust Fund have*  
15 *been made available for the*  
16 *project; and*

17 *“(bb) the Secretary deter-*  
18 *mines that the project can be com-*  
19 *pleted using funds other than*  
20 *from the Highway Trust Fund*  
21 *that are anticipated to be avail-*  
22 *able in future fiscal years.*

23 *“(C) CONSIDERATIONS.—In selecting*  
24 *projects to recommend for funding in the annual*

1           *report under this paragraph, the Secretary*  
2           *shall—*

3                   “(i) *consider the amount of funds*  
4                   *available in future fiscal years for*  
5                   *multiyear grant agreements as described in*  
6                   *subparagraph (B); and*

7                   “(ii) *assume the availability of funds*  
8                   *in future fiscal years for multiyear grant*  
9                   *agreements that extend beyond the period of*  
10                  *authorization based on the amount made*  
11                  *available for large projects under the pro-*  
12                  *gram in the last fiscal year of the period of*  
13                  *authorization.*

14                  “(D) *PROJECT DIVERSITY.—In selecting*  
15                  *projects to recommend for funding in the annual*  
16                  *report under this paragraph, the Secretary shall*  
17                  *ensure diversity among projects recommended*  
18                  *based on—*

19                          “(i) *the amount of the grant requested;*  
20                          *and*

21                          “(ii) *grants for an eligible project for*  
22                          *1 bridge compared to an eligible project that*  
23                          *is a bundle of projects.*

24                  “(h) *ELIGIBLE PROJECT COSTS.—A grant received for*  
25                  *an eligible project under the program may be used for—*

1           “(1) *development phase activities, including*  
2           *planning, feasibility analysis, revenue forecasting, en-*  
3           *vironmental review, preliminary engineering and de-*  
4           *sign work, and other preconstruction activities;*

5           “(2) *construction, reconstruction, rehabilitation,*  
6           *acquisition of real property (including land related to*  
7           *the project and improvements to the land), environ-*  
8           *mental mitigation, construction contingencies, acqui-*  
9           *sition of equipment, and operational improvements*  
10          *directly related to improving system performance;*  
11          *and*

12          “(3) *expenses related to the protection (as de-*  
13          *scribed in section 133(b)(10)) of a bridge, including*  
14          *seismic or scour protection.*

15          “(i) *TIFIA PROGRAM.—On the request of an eligible*  
16          *entity carrying out an eligible project, the Secretary may*  
17          *use amounts awarded to the entity to pay subsidy and ad-*  
18          *ministrative costs necessary to provide to the entity Federal*  
19          *credit assistance under chapter 6 with respect to the eligible*  
20          *project for which the grant was awarded.*

21          “(j) *MULTIYEAR GRANT AGREEMENTS FOR LARGE*  
22          *PROJECTS.—*

23                 “(1) *IN GENERAL.—A large project that receives*  
24                 *a grant under the program in an amount of not less*  
25                 *than \$100,000,000 may be carried out through a*

1       *multiyear grant agreement in accordance with this*  
2       *subsection.*

3               “(2) *REQUIREMENTS.—A multiyear grant agree-*  
4       *ment for a large project described in paragraph (1)*  
5       *shall—*

6                       “(A) *establish the terms of participation by*  
7       *the Federal Government in the project;*

8                       “(B) *establish the maximum amount of*  
9       *Federal financial assistance for the project in ac-*  
10       *cordance with paragraphs (3) and (4) of sub-*  
11       *section (c);*

12                      “(C) *establish a payout schedule for the*  
13       *project that provides for disbursement of the full*  
14       *grant amount by not later than 4 fiscal years*  
15       *after the fiscal year in which the initial amount*  
16       *is provided;*

17                      “(D) *determine the period of time for com-*  
18       *pleting the project, even if that period extends be-*  
19       *yond the period of an authorization; and*

20                      “(E) *attempt to improve timely and effi-*  
21       *cient management of the project, consistent with*  
22       *all applicable Federal laws (including regula-*  
23       *tions).*

24               “(3) *SPECIAL FINANCIAL RULES.—*

1           “(A) *IN GENERAL.*—*A multiyear grant*  
2           *agreement under this subsection—*

3                   “(i) *shall obligate an amount of avail-*  
4                   *able budget authority specified in law; and*

5                   “(ii) *may include a commitment, con-*  
6                   *tingent on amounts to be specified in law in*  
7                   *advance for commitments under this para-*  
8                   *graph, to obligate an additional amount*  
9                   *from future available budget authority spec-*  
10                  *ified in law.*

11           “(B) *STATEMENT OF CONTINGENT COMMIT-*  
12           *MENT.*—*The agreement shall state that the con-*  
13           *tingent commitment is not an obligation of the*  
14           *Federal Government.*

15           “(C) *INTEREST AND OTHER FINANCING*  
16           *COSTS.*—

17                   “(i) *IN GENERAL.*—*Interest and other*  
18                   *financing costs of carrying out a part of the*  
19                   *project within a reasonable time shall be*  
20                   *considered a cost of carrying out the project*  
21                   *under a multiyear grant agreement, except*  
22                   *that eligible costs may not be more than the*  
23                   *cost of the most favorable financing terms*  
24                   *reasonably available for the project at the*  
25                   *time of borrowing.*

1                   “(i) *CERTIFICATION.*—*The applicant*  
2                   *shall certify to the Secretary that the appli-*  
3                   *cant has shown reasonable diligence in seek-*  
4                   *ing the most favorable financing terms.*

5                   “(4) *ADVANCE PAYMENT.*—*Notwithstanding any*  
6                   *other provision of law, an eligible entity carrying out*  
7                   *a large project under a multiyear grant agreement—*

8                   “(A) *may use funds made available to the*  
9                   *eligible entity under this title for eligible project*  
10                   *costs of the large project until the amount speci-*  
11                   *fied in the multiyear grant agreement for the*  
12                   *project for that fiscal year becomes available for*  
13                   *obligation; and*

14                   “(B) *if the eligible entity uses funds as de-*  
15                   *scribed in subparagraph (A), the funds used*  
16                   *shall be reimbursed from the amount made avail-*  
17                   *able under the multiyear grant agreement for the*  
18                   *project.*

19                   “(k) *UNDERTAKING PARTS OF PROJECTS IN ADVANCE*  
20                   *UNDER LETTERS OF NO PREJUDICE.*—

21                   “(1) *IN GENERAL.*—*The Secretary may pay to*  
22                   *an applicant all eligible project costs under the pro-*  
23                   *gram, including costs for an activity for an eligible*  
24                   *project incurred prior to the date on which the project*  
25                   *receives funding under the program if—*

1           “(A) before the applicant carries out the ac-  
2           tivity, the Secretary approves through a letter to  
3           the applicant the activity in the same manner as  
4           the Secretary approves other activities as eligible  
5           under the program;

6           “(B) a record of decision, a finding of no  
7           significant impact, or a categorical exclusion  
8           under the National Environmental Policy Act of  
9           1969 (42 U.S.C. 4321 et seq.) has been issued for  
10          the eligible project; and

11          “(C) the activity is carried out without  
12          Federal assistance and in accordance with all  
13          applicable procedures and requirements.

14          “(2) INTEREST AND OTHER FINANCING COSTS.—

15                 “(A) IN GENERAL.—For purposes of para-  
16                 graph (1), the cost of carrying out an activity  
17                 for an eligible project includes the amount of in-  
18                 terest and other financing costs, including any  
19                 interest earned and payable on bonds, to the ex-  
20                 tent interest and other financing costs are ex-  
21                 pended in carrying out the activity for the eligi-  
22                 ble project, except that interest and other financ-  
23                 ing costs may not be more than the cost of the  
24                 most favorable financing terms reasonably avail-

1           able for the eligible project at the time of bor-  
2           rowing.

3           “(B) *CERTIFICATION.*—*The applicant shall*  
4           *certify to the Secretary that the applicant has*  
5           *shown reasonable diligence in seeking the most*  
6           *favorable financing terms under subparagraph*  
7           *(A).*

8           “(3) *NO OBLIGATION OR INFLUENCE ON REC-*  
9           *COMMENDATIONS.*—*An approval by the Secretary*  
10          *under paragraph (1)(A) shall not—*

11            *“(A) constitute an obligation of the Federal*  
12            *Government; or*

13            *“(B) alter or influence any evaluation*  
14            *under subsection (f)(3)(A)(i) or (g)(4) or any*  
15            *recommendation by the Secretary for funding*  
16            *under the program.*

17          “(l) *FEDERALLY-OWNED BRIDGES.*—

18            “(1) *DIVESTITURE CONSIDERATION.*—*In the case*  
19            *of a bridge owned by a Federal land management*  
20            *agency for which that agency applies for a grant*  
21            *under the program, the agency—*

22            *“(A) shall consider options to divest the*  
23            *bridge to a State or local entity after completion*  
24            *of the project; and*

1           “(B) may apply jointly with the State or  
2           local entity to which the bridge may be divested.

3           “(2) *TREATMENT.*—Notwithstanding any other  
4           provision of law, section 129 shall apply to a bridge  
5           that was previously owned by a Federal land man-  
6           agement agency and has been transferred to a non-  
7           Federal entity under paragraph (1) in the same man-  
8           ner as if the bridge was never federally owned.

9           “(m) *CONGRESSIONAL NOTIFICATION.*—Not later than  
10          30 days before making a grant for an eligible project under  
11          the program, the Secretary shall submit to the Committee  
12          on Transportation and Infrastructure of the House of Rep-  
13          resentatives and the Committee on Environment and Public  
14          Works of the Senate a written notification of the proposed  
15          grant that includes—

16                 “(1) an evaluation and justification for the eligi-  
17                 ble project; and

18                 “(2) the amount of the proposed grant.

19          “(n) *REPORTS.*—

20                 “(1) *ANNUAL REPORT.*—Not later than August 1  
21                 of each fiscal year, the Secretary shall make available  
22                 on the website of the Department of Transportation  
23                 an annual report that lists each eligible project for  
24                 which a grant has been provided under the program  
25                 during the fiscal year.

1           “(2) *GAO ASSESSMENT AND REPORT.*—Not later  
2 than 3 years after the date of enactment of the Amer-  
3 ica’s *Transportation Infrastructure Act of 2019*, the  
4 *Comptroller General of the United States* shall—

5                   “(A) *conduct an assessment of the adminis-*  
6 *trative establishment, solicitation, selection, and*  
7 *justification process with respect to the funding*  
8 *of grants under the program; and*

9                   “(B) *submit to the Committee on Transpor-*  
10 *tation and Infrastructure of the House of Rep-*  
11 *resentatives and the Committee on Environment*  
12 *and Public Works of the Senate a report that de-*  
13 *scribes—*

14                           “(i) *the adequacy and fairness of the*  
15 *process under which each eligible project*  
16 *that received a grant under the program*  
17 *was selected; and*

18                           “(ii) *the justification and criteria used*  
19 *for the selection of each eligible project.*

20           “(o) *LIMITATION.*—

21                   “(1) *LARGE PROJECTS.*—Of the amounts made  
22 available out of the *Highway Trust Fund* (other than  
23 the *Mass Transit Account*) to carry out this section  
24 for each of fiscal years 2021 through 2025, not less

1        *than 50 percent, in aggregate, shall be used for large*  
2        *projects.*

3            *“(2) UNUTILIZED AMOUNTS.—If, in fiscal year*  
4        *2025, the Secretary determines that grants under the*  
5        *program will not allow for the requirement under*  
6        *paragraph (1) to be met, the Secretary shall use the*  
7        *unutilized amounts to make other grants under the*  
8        *program during that fiscal year.*

9            *“(p) TRIBAL TRANSPORTATION FACILITY BRIDGE SET*  
10       *ASIDE.—*

11            *“(1) IN GENERAL.—Of the amounts made avail-*  
12        *able from the Highway Trust Fund (other than the*  
13        *Mass Transit Account) for a fiscal year to carry out*  
14        *this section, the Secretary shall use, to carry out sec-*  
15        *tion 202(d)—*

16            *“(A) \$16,000,000 for fiscal year 2021;*

17            *“(B) \$18,000,000 for fiscal year 2022;*

18            *“(C) \$20,000,000 for fiscal year 2023;*

19            *“(D) \$22,000,000 for fiscal year 2024; and*

20            *“(E) \$24,000,000 for fiscal year 2025.*

21            *“(2) TREATMENT.—For purposes of section 201,*  
22        *funds made available for section 202(d) under para-*  
23        *graph (1) shall be considered to be part of the tribal*  
24        *transportation program.”.*

1           (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
 2 *1 of title 23, United States Code, is amended by inserting*  
 3 *after the item relating to section 123 the following:*

          “124. *Bridge investment program.*”.

4   **SEC. 1120. SAFE ROUTES TO SCHOOL PROGRAM.**

5           Section 1404 of *SAFETEA-LU* (23 U.S.C. 402 note;  
 6 *Public Law 109–59*) is amended—

7           (1) in subsection (a), by striking “primary and  
 8 middle” and inserting “primary, middle, and high”;  
 9 and

10          (2) in subsection (k)(2)—

11           (A) in the heading, by striking “PRIMARY  
 12 AND MIDDLE” and inserting “PRIMARY, MIDDLE,  
 13 AND HIGH”;

14           (B) by striking “primary and middle” and  
 15 inserting “primary, middle, and high”; and

16           (C) by striking “eighth grade” and insert-  
 17 ing “12th grade”.

18   **SEC. 1121. HIGHWAY USE TAX EVASION PROJECTS.**

19           Section 143(b)(2)(A) of title 23, *United States Code*,  
 20 is amended by striking “fiscal years 2016 through 2020”  
 21 and inserting “fiscal years 2021 through 2025”.

22   **SEC. 1122. CONSTRUCTION OF FERRY BOATS AND FERRY**  
 23           **TERMINAL FACILITIES.**

24           Section 147 of title 23, *United States Code*, is amended  
 25 by striking subsection (h) and inserting the following:

1       “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
 2 *authorized to be appropriated out of the Highway Trust*  
 3 *Fund (other than the Mass Transit Account) to carry out*  
 4 *this section—*

5               “(1) \$86,000,000 for fiscal year 2021;

6               “(2) \$87,000,000 for fiscal year 2022;

7               “(3) \$88,000,000 for fiscal year 2023;

8               “(4) \$89,000,000 for fiscal year 2024; and

9               “(5) \$90,000,000 for fiscal year 2025.”.

10 **SEC. 1123. BALANCE EXCHANGES FOR INFRASTRUCTURE**  
 11 **PROGRAM.**

12       (a) *IN GENERAL.*—*Chapter 1 of title 23, United States*  
 13 *Code, is amended by adding at the end the following:*

14 **“§ 171. Balance exchanges for infrastructure program**

15       “(a) *DEFINITIONS.*—*In this section:*

16               “(1) *ADMINISTRATIVELY ALLOCATED.*—*The term*  
 17 *‘administratively allocated’ means the allocation by*  
 18 *the Secretary of budget authority for a project under*  
 19 *the TIFIA program that occurs when—*

20                       “(A) *a potential applicant has been invited*  
 21 *into the creditworthiness phase for a project*  
 22 *under the TIFIA program; or*

23                       “(B) *the project is subject to a master credit*  
 24 *agreement (as defined in section 601(a)), in ac-*  
 25 *cordance with section 602(b)(2).*

1           “(2) *APPALACHIAN STATE*.—The term ‘Appa-  
2           *lachian State*’ means a State that contains 1 or more  
3           counties in the Appalachian region (as defined in sec-  
4           tion 14102(a) of title 40).

5           “(3) *PROGRAM*.—The term ‘program’ means the  
6           *Balance Exchanges for Infrastructure Program* estab-  
7           lished under subsection (b).

8           “(4) *TIFIA CARRYOVER BALANCE*.—

9           “(A) *IN GENERAL*.—The term ‘*TIFIA car-*  
10           *ryover balance*’ means the amounts made avail-  
11           able for the *TIFIA* program for previous fiscal  
12           years that are unobligated and have not been ad-  
13           ministratively allocated.

14           “(B) *INCLUSION*.—The term ‘*TIFIA carry-*  
15           *over balance*’ includes—

16           “(i) the applicable amount of contract  
17           authority for the amounts described in sub-  
18           paragraph (A); and

19           “(ii) the equivalent amount of obliga-  
20           tion limitation for the fiscal year in which  
21           the Secretary makes a transfer under sub-  
22           section (f)(2).

23           “(5) *TIFIA PROGRAM*.—The term ‘*TIFIA pro-*  
24           *gram*’ has the meaning given the term in section  
25           601(a).

1           “(b) *ESTABLISHMENT.*—*The Secretary shall establish*  
2 *a program, to be known as the ‘Balance Exchanges for In-*  
3 *frastructure Program’, in accordance with this section to*  
4 *provide flexibility for the Secretary and States to improve*  
5 *highway infrastructure.*

6           “(c) *OFFER TO FUND PROJECTS OR EXCHANGE*  
7 *FUNDS.*—

8                   “(1) *SOLICITATION.*—*For each fiscal year for*  
9 *which an amount is reserved under subsection (f)(1),*  
10 *the Secretary shall—*

11                           “(A) *not later than December 1 of that fis-*  
12 *cal year—*

13                                   “(i) *solicit requests from Appalachian*  
14 *States to return amounts under subsection*  
15 *(d)(1)(A); and*

16                                   “(ii) *solicit applications from Appa-*  
17 *lachian States for grants under subsection*  
18 *(e); and*

19                           “(B) *require that, not later than 60 days*  
20 *after the date of the solicitations under subpara-*  
21 *graph (A), each Appalachian State that elects to*  
22 *participate in the program shall submit to the*  
23 *Secretary either—*

1           “(i) a request that describes the  
2           amount that the Appalachian State requests  
3           to return under subsection (d)(1)(A); or

4           “(ii) an application for a grant under  
5           subsection (e).

6           “(d) EXCHANGE AGREEMENTS.—

7           “(1) IN GENERAL.—The Secretary shall enter  
8           into an agreement with each Appalachian State that  
9           submits a request under subsection (c)(1)(A)(i) under  
10          which—

11           “(A) the Appalachian State shall return to  
12           the Secretary all, or at the discretion of the Ap-  
13           palachian State, a portion of, the unobligated  
14           amounts from the Highway Trust Fund (includ-  
15           ing the applicable amount of contract authority  
16           and an equal amount of special no-year obliga-  
17           tion limitation associated with that contract au-  
18           thority) apportioned to the Appalachian State  
19           for the Appalachian development highway sys-  
20           tem under section 14501 of title 40 (but not in-  
21           cluding any amounts made available by an ap-  
22           propriations Act without an initial authoriza-  
23           tion); and

24           “(B) the Secretary shall transfer to the Ap-  
25           palachian State, from amounts transferred to the

1           program under subsection (f)(2) for that fiscal  
2           year, an amount (including the applicable  
3           amount of contract authority and an equal  
4           amount of annual obligation limitation) equal to  
5           the amount that the Appalachian State returned  
6           under subparagraph (A) that shall be used to  
7           carry out projects described in paragraph (3).

8           “(2) *STATE LIMITATION.*—The amount of con-  
9           tract authority returned by an Appalachian State  
10          under paragraph (1)(A) may not exceed the amount  
11          of the special no-year obligation limitation available  
12          to the Appalachian State prior to the return of the  
13          special no-year obligation limitation under that para-  
14          graph.

15          “(3) *ELIGIBLE PROJECTS.*—

16                 “(A) *IN GENERAL.*—A project eligible to be  
17                 carried out using funds transferred to an Appa-  
18                 lachian State under paragraph (1)(B) is a  
19                 project described in section 133(b).

20                 “(B) *FEDERAL SHARE.*—The Federal share  
21                 of the cost of a project carried out using funds  
22                 transferred to an Appalachian State under para-  
23                 graph (1)(B) shall be up to 100 percent, at the  
24                 discretion of the Appalachian State.

1           “(C) *APPLICATION OF SECTION 133.*—*Except*  
 2           *as otherwise provided in this paragraph, section*  
 3           *133 shall not apply to a project carried out*  
 4           *using funds transferred to an Appalachian State*  
 5           *under paragraph (1)(B).*

6           “(4) *TOTAL LIMITATION.*—*For each fiscal year,*  
 7           *the total amount exchanged under paragraph (1)*  
 8           *shall not exceed the amount available to be trans-*  
 9           *ferred to the program under subsection (f).*

10           “(5) *AMOUNTS EXCHANGED.*—*For each fiscal*  
 11           *year, if the total amount requested by all Appa-*  
 12           *lachian States to return under paragraph (1)(A) is*  
 13           *greater than the amount available to be transferred to*  
 14           *the program under subsection (f), the Secretary shall*  
 15           *exchange amounts under paragraph (1) based on the*  
 16           *proportion that—*

17                   “(A) *the amount requested to be returned*  
 18                   *for the fiscal year by the Appalachian State;*  
 19                   *bears to*

20                   “(B) *the amount requested to be returned*  
 21                   *for the fiscal year by all Appalachian States.*

22           “(e) *APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM*  
 23           *CORRIDOR GRANTS.*—

24                   “(1) *IN GENERAL.*—*Using amounts returned to*  
 25                   *the Secretary under subsection (d)(1)(A), the Sec-*

1        *retary shall provide grants of contract authority, to*  
2        *remain available until expended, and subject to spe-*  
3        *cial no-year obligation limitation, on a competitive*  
4        *basis to Appalachian States for eligible projects de-*  
5        *scribed in paragraph (2).*

6            *“(2) ELIGIBLE PROJECT.—A project eligible to be*  
7        *carried out with a grant under this subsection is a*  
8        *project that is—*

9            *“(A) eligible under section 14501 of title 40*  
10        *as of the date of enactment of this section; and*

11            *“(B) reasonably expected to begin construc-*  
12        *tion by not later than 2 years after the date of*  
13        *obligation of funds provided under this sub-*  
14        *section for the project.*

15            *“(3) APPLICATION.—To be eligible to receive a*  
16        *grant under this subsection, an Appalachian State*  
17        *shall submit to the Secretary an application at such*  
18        *time, in such manner, and containing such informa-*  
19        *tion as the Secretary may require.*

20            *“(4) FEDERAL SHARE.—The Federal share of the*  
21        *cost of a project carried out using a grant provided*  
22        *under this subsection shall be up to 100 percent, at*  
23        *the discretion of the Appalachian State.*

24            *“(5) LIMITATION.—An Appalachian State that*  
25        *enters into an agreement to exchange funds under*

1 subsection (d) for any fiscal year shall not be eligible  
2 to receive a grant under this subsection.

3 “(f) *TRANSFER FROM TIFIA PROGRAM.*—

4 “(1) *IN GENERAL.*—On October 1 of each fiscal  
5 year, the Secretary shall reserve, for the purpose of  
6 funding transfers under paragraph (2) until the  
7 transfers are completed, the amount of TIFIA carry-  
8 over balance that exceeds the amount authorized to  
9 carry out the TIFIA program for that fiscal year.

10 “(2) *TRANSFERS.*—For each fiscal year, not later  
11 than 60 days after the date on which the Secretary  
12 receives the responses to the solicitations under sub-  
13 section (c)(1) or the date on which the full appropria-  
14 tion for that fiscal year is available, whichever is  
15 later, the Secretary shall transfer from the TIFIA  
16 program to the program an amount of contract au-  
17 thority and an equal amount of obligation limitation,  
18 to remain available until expended, that is equal to  
19 the lesser of—

20 “(A) the total amount requested by all Ap-  
21 palachian States for the fiscal year under sub-  
22 section (c)(1)(B)(i);

23 “(B) the total amount requested by all Ap-  
24 palachian States for grants under subsection  
25 (c)(1)(B)(ii); and

1                   “(C) the amount reserved under paragraph  
2                   (1).”.

3           (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
4 *1 of title 23, United States Code, is amended by inserting*  
5 *after the item relating to section 170 the following:*

“171. *Balance exchanges for infrastructure program.*”.

6 **SEC. 1124. SAFETY INCENTIVE PROGRAMS.**

7           (a) *IN GENERAL.*—

8                   (1) *FORMULA SAFETY INCENTIVE PROGRAM.*—  
9 *Chapter 1 of title 23, United States Code (as amended*  
10 *by section 1123(a)), is amended by adding at the end*  
11 *the following:*

12 **“§ 172. Formula safety incentive program**

13           “(a) *DEFINITIONS.*—*In this section:*

14                   “(1) *METROPOLITAN PLANNING ORGANIZATION;*  
15 *URBANIZED AREA.*—*The terms ‘metropolitan plan-*  
16 *ning organization’ and ‘urbanized area’ have the*  
17 *meaning given those terms in section 134(b).*

18                   “(2) *TRANSPORTATION MANAGEMENT AREA.*—  
19 *The term ‘transportation management area’ means a*  
20 *transportation management area identified or des-*  
21 *ignated by the Secretary under section 134(k)(1).*

22                   “(3) *VULNERABLE ROAD USER.*—*The term ‘vul-*  
23 *nerable road user’ means a nonmotorist (as that term*  
24 *is used in the Fatality Analysis Reporting System of*

1 *the National Highway Traffic Safety Administra-*  
 2 *tion).*

3 “(4) *VULNERABLE ROAD USER SAFETY FOCUS*  
 4 *AREA.—The term ‘vulnerable road user safety focus*  
 5 *area’ means—*

6 “(A) *an urbanized area with combined fa-*  
 7 *tality rate of vulnerable road users that is great-*  
 8 *er than 1.5 per 100,000 individuals; or*

9 “(B) *a State in which fatalities of vulner-*  
 10 *able road users combined represents not less than*  
 11 *15 percent of the total annual crash fatalities in*  
 12 *the State.*

13 “(b) *FORMULA FUNDING AWARDS.—*

14 “(1) *IN GENERAL.—For each fiscal year, the Sec-*  
 15 *retary shall distribute among the States the amounts*  
 16 *made available to carry out this section for that fiscal*  
 17 *year in accordance with paragraph (2).*

18 “(2) *DISTRIBUTION.—The amount for each State*  
 19 *shall be determined by multiplying the total amount*  
 20 *of funding made available to carry out this section for*  
 21 *the applicable fiscal year by the ratio that—*

22 “(A) *the total base apportionment for the*  
 23 *State under section 104(c); bears to*

24 “(B) *the total base apportionments for all*  
 25 *States under section 104(c).*

1       “(c) *SAFETY SUPPLEMENTAL.*—

2               “(1) *IN GENERAL.*—*A State shall use 50 percent*  
3 *of the amount distributed to the State under sub-*  
4 *section (b) for each fiscal year to carry out the eligible*  
5 *activities under paragraph (2).*

6               “(2) *ELIGIBLE ACTIVITIES.*—

7                       “(A) *STATES.*—*Subject to paragraph*  
8 *(4)(A), a State shall use the funds under para-*  
9 *graph (1) for a highway safety improvement*  
10 *project or strategy included on the State stra-*  
11 *tegic highway safety plan (as defined in section*  
12 *148(a)) of the State.*

13                      “(B) *MPOS.*—*Subject to paragraph (4)(B),*  
14 *a metropolitan planning organization that is re-*  
15 *quired to obligate funds under subsection (e)*  
16 *shall use the funds under paragraph (1) for a*  
17 *highway safety improvement project (as defined*  
18 *in section 148(a)).*

19               “(3) *FEDERAL SHARE.*—*The Federal share of the*  
20 *cost of a project carried out with funds under para-*  
21 *graph (1) shall be determined in accordance with sec-*  
22 *tion 120.*

23               “(4) *LIMITATION ON FLEXIBILITY.*—

24                      “(A) *STATES.*—*Notwithstanding paragraph*  
25 *(2)(A), a State that is a vulnerable road user*

1           *safety focus area shall use the funds under para-*  
2           *graph (1) for a highway safety improvement*  
3           *project (as defined in section 148(a)) to improve*  
4           *the safety of vulnerable road users, regardless of*  
5           *whether the project is included on the State stra-*  
6           *tegic highway safety plan (as defined in section*  
7           *148(a)) of the State.*

8           “(B) *MPOS.—Notwithstanding paragraph*  
9           *(2)(B), a metropolitan planning organization*  
10           *that is required to obligate funds under sub-*  
11           *section (e) that contains an area designated as*  
12           *a vulnerable road user safety focus area shall use*  
13           *the funds under paragraph (1) for a highway*  
14           *safety improvement project (as defined in section*  
15           *148(a)) to improve the safety of vulnerable road*  
16           *users.*

17           “(d) *SAFETY PLANNING INCENTIVE.—*

18           “(1) *VULNERABLE ROAD USER SAFETY ASSESS-*  
19           *MENTS.—*

20           “(A) *IN GENERAL.—A State may, in con-*  
21           *sultation with metropolitan planning organiza-*  
22           *tions within the State, develop and publish a*  
23           *State vulnerable road user safety assessment de-*  
24           *scribed in subparagraph (B).*

1           “(B) *STATE VULNERABLE ROAD USER SAFE-*  
2           *TY ASSESSMENT DESCRIBED.*—*A vulnerable road*  
3           *user safety assessment referred to in subpara-*  
4           *graph (A) is an assessment of the safety perform-*  
5           *ance of the State with respect to vulnerable road*  
6           *users and the plan of the State, developed in con-*  
7           *sultation with the metropolitan planning organi-*  
8           *zations within the State, if any, to improve the*  
9           *safety of vulnerable road users, which shall—*

10                   “(i) *include the approximate location*  
11                   *within the State of each vulnerable road*  
12                   *user fatality during the most recently re-*  
13                   *ported 2-year period of final data from the*  
14                   *Fatality Analysis Reporting System of the*  
15                   *National Highway Traffic Safety Adminis-*  
16                   *tration and the operating speed of the road-*  
17                   *way at that location;*

18                   “(ii) *include the corridors within the*  
19                   *State on which a vulnerable road user fatal-*  
20                   *ity has occurred during the most recently*  
21                   *reported 2-year period of final data from*  
22                   *the Fatality Analysis Reporting System of*  
23                   *the National Highway Traffic Safety Ad-*  
24                   *ministration and the operating speeds of*  
25                   *those corridors;*

1           “(iii) include a list of projects within  
2 the State that primarily address the safety  
3 of vulnerable road users that—

4                   “(I) have been completed during  
5 the 2 most recent fiscal years prior to  
6 date of the publication of the vulner-  
7 able road user safety assessment, in-  
8 cluding the amount of funding that has  
9 been dedicated to those projects, de-  
10 scribed in total amounts and as a per-  
11 centage of total capital expenditures;

12                   “(II) are planned to be completed  
13 during the 2 fiscal years following the  
14 date of the publication of the vulner-  
15 able road user assessment, including  
16 the amount of funding that the State  
17 plans to be dedicated to those projects,  
18 described in total amounts and as a  
19 percentage of total capital expendi-  
20 tures; and

21                   “(III) have the potential to be in-  
22 cluded on the list described in sub-  
23 clause (II) once the permitting and ap-  
24 proval processes for those projects are  
25 complete, including the reason for the

1                   *delay in the completion of those proc-*  
2                   *esses, if any; and*

3                   *“(iv) be reviewed and certified by the*  
4                   *Secretary to have met the requirements of*  
5                   *this subparagraph.*

6                   “(2) *ACCELERATION OF SAFETY PROJECT DELIV-*  
7                   *ERY.—For each project identified by a State under*  
8                   *paragraph (1)(B)(iii)(III), to the maximum extent*  
9                   *practicable, the Secretary, in consultation with the*  
10                  *State, shall use the authority under section 1420 of*  
11                  *the FAST Act (23 U.S.C. 101 note; Public Law 114–*  
12                  *94) to accelerate delivery of the project.*

13                  “(3) *SAFETY PLAN INCENTIVE.—A State shall*  
14                  *use 50 percent of the amounts made available to the*  
15                  *State under subsection (b) for each fiscal year to*  
16                  *carry out eligible activities under paragraph (4).*

17                  “(4) *ELIGIBLE ACTIVITIES.—*

18                  “(A) *IN GENERAL.—A State and any met-*  
19                  *ropolitan planning organization in the State*  
20                  *that is required to obligate funds under sub-*  
21                  *section (e) may use funds under paragraph (3)*  
22                  *for a project or strategy described in subsection*  
23                  *(c)(2).*

24                  “(B) *ADDITIONAL ELIGIBILITY INCEN-*  
25                  *TIVE.—In addition to the eligible activities*

1           *under subparagraph (A), a State and any metro-*  
2           *politan planning organization in the State that*  
3           *is required to obligate funds under subsection (e)*  
4           *may use the funds under paragraph (3) for a*  
5           *project eligible under section 133(b) if—*

6                   *“(i) the State has, within the fiscal*  
7                   *year prior to the fiscal year in which the*  
8                   *Secretary is making the grant or by a dead-*  
9                   *line established by the Secretary in the fis-*  
10                  *cal year in which the Secretary is making*  
11                  *the grant, conducted and published a vul-*  
12                  *nerable road user safety assessment de-*  
13                  *scribed in paragraph (1)(B) that has been*  
14                  *approved by the Secretary under clause (iv)*  
15                  *of that paragraph; or*

16                  *“(ii) for a State that has previously*  
17                  *published a vulnerable road user safety as-*  
18                  *essment described in paragraph (1)(B) that*  
19                  *has been approved by the Secretary under*  
20                  *clause (iv) of that paragraph—*

21                    *“(I) the State has, within the fis-*  
22                    *cal year prior to the fiscal year in*  
23                    *which the Secretary is making the*  
24                    *grant or by a deadline established by*  
25                    *the Secretary in the fiscal year in*

1           *which the Secretary is making the*  
2           *grant, updated the estimates described*  
3           *in clauses (i) and (ii) of paragraph*  
4           *(1)(B); and*

5           *“(II) the State and the metropoli-*  
6           *tan planning organization have, with-*  
7           *in the 4 fiscal years prior to the fiscal*  
8           *year in which the Secretary is making*  
9           *the grant or by a deadline established*  
10          *by the Secretary in the fiscal year in*  
11          *which the Secretary is making the*  
12          *grant, incorporated a vulnerable road*  
13          *user safety assessment described in*  
14          *paragraph (1)(B) into—*

15                 *“(aa) a long-range transpor-*  
16                 *tation plan developed by the met-*  
17                 *ropolitan planning organization*  
18                 *under section 134(c), if any; and*

19                 *“(bb) the long-range state-*  
20                 *wide transportation plan devel-*  
21                 *oped by the State under section*  
22                 *135(f)(1).*

23                 *“(5) FEDERAL SHARE.—The Federal share of the*  
24                 *cost of a project carried out using funds under para-*  
25                 *graph (3)—*

1           “(A) *in the case of a State or metropolitan*  
2           *planning organization within a State that meets*  
3           *the requirements under paragraph (4)(B), may*  
4           *be up to 100 percent, at the discretion of the*  
5           *State; and*

6           “(B) *in the case of a State or metropolitan*  
7           *planning organization within a State that is not*  
8           *described in subparagraph (A), shall be deter-*  
9           *mined in accordance with section 120.*

10          “(e) *SUBALLOCATION REQUIREMENTS.—*

11           “(1) *IN GENERAL.—For each fiscal year, of the*  
12           *funds made available to a State under subsections (c)*  
13           *and (d)—*

14           “(A) *65 percent of each amount shall be ob-*  
15           *ligated, in proportion to their relative shares of*  
16           *the population of the State—*

17           “(i) *in urbanized areas of the State*  
18           *with an urbanized area population of over*  
19           *200,000; and*

20           “(ii) *in other areas of the State; and*

21           “(B) *the remainder may be obligated in*  
22           *any area of the State.*

23           “(2) *METROPOLITAN AREAS.—Funds attributed*  
24           *to an urbanized area under paragraph (1)(A)(i) may*  
25           *be obligated in the metropolitan area established*

1        *under section 134 that encompasses the urbanized*  
2        *area.*

3                *“(3) DISTRIBUTION AMONG URBANIZED AREAS*  
4        *OF OVER 200,000 POPULATION.—*

5                *“(A) IN GENERAL.—Except as provided in*  
6        *subparagraph (B), the amount that a State is re-*  
7        *quired to obligate under paragraph (1)(A)(i)*  
8        *shall be obligated in urbanized areas described in*  
9        *paragraph (1)(A)(i) based on the relative popu-*  
10        *lation of the areas.*

11                *“(B) OTHER FACTORS.—The State may ob-*  
12        *ligate the funds described in subparagraph (A)*  
13        *based on other factors if—*

14                *“(i) the State and the relevant metro-*  
15        *politan planning organizations jointly*  
16        *apply to the Secretary for the permission to*  
17        *base the obligation on other factors; and*

18                *“(ii) the Secretary grants the request.*

19                *“(4) CONSULTATION IN URBANIZED AREAS.—Be-*  
20        *fore obligating funds for an activity under subsections*  
21        *(c) or (d) in an urbanized area that is not a trans-*  
22        *portation management area, a State shall consult*  
23        *with any metropolitan planning organization that*  
24        *represents the urbanized area prior to determining*  
25        *which activities should be carried out.*

1           “(5) *CONSULTATION IN RURAL AREAS.*—*Before*  
 2           *obligating funds for an eligible activity under sub-*  
 3           *sections (c) and (d) in a rural area, a State shall*  
 4           *consult with any regional transportation planning*  
 5           *organization or metropolitan planning organization*  
 6           *that represents a rural area of the State prior to de-*  
 7           *termining which activities should be carried out.*

8           **“§ 173. *Fatality reduction performance program***

9           “(a) *DEFINITIONS.*—*In this section:*

10           “(1) *METROPOLITAN PLANNING ORGANIZATION;*  
 11           *URBANIZED AREA.*—*The terms ‘metropolitan plan-*  
 12           *ning organization’ and ‘urbanized area’ have the*  
 13           *meaning given those terms in section 134(b).*

14           “(2) *QUALIFYING STATE.*—*The term ‘qualifying*  
 15           *State’ means a State in which—*

16           “(A) *the average fatality and serious injury*  
 17           *rates per 100,000,000 vehicle-miles-traveled with-*  
 18           *in the State during the 3-year period beginning*  
 19           *on January 1 of the fiscal year that was 3 years*  
 20           *prior to the fiscal year in which the Secretary is*  
 21           *making the grant under this section has grown*  
 22           *more slowly or declined, as compared to the av-*  
 23           *erage fatality and serious injury rates per*  
 24           *100,000,000 vehicle-miles-traveled within the*  
 25           *State during the 3-year period beginning on*

1           *January 1 of the fiscal year that was 6 years*  
2           *prior to the fiscal year in which the Secretary is*  
3           *making the grant under this section;*

4           “(B) *the average annual number of serious*  
5           *injuries and fatalities within the State, as meas-*  
6           *ured on a per capita basis, during the 3-year pe-*  
7           *riod beginning on January 1 of the fiscal year*  
8           *that was 3 years prior to the fiscal year in*  
9           *which the Secretary is making the grant under*  
10           *this section has grown more slowly or declined,*  
11           *as compared to the average annual number of se-*  
12           *rious injuries and fatalities within the State, as*  
13           *measured on a per capita basis, during the 3-*  
14           *year period beginning on January 1 of the fiscal*  
15           *year that was 6 years prior to the fiscal year in*  
16           *which the Secretary is making the grant under*  
17           *this section;*

18           “(C) *the average annual number of fatali-*  
19           *ties within the State, as measured on a per cap-*  
20           *ita basis, during the 3-year period beginning on*  
21           *January 1 of the fiscal year that was 3 years*  
22           *prior to the fiscal year in which the Secretary is*  
23           *making the grant under this section is less than*  
24            *$\frac{1}{2}$  of the nationwide average annual per capita*  
25           *number of fatalities during that period; or*

1           “(D)(i) the performance targets set by the  
2           State under subsection (d)(1) of section 150, in  
3           accordance with subsection (c)(4) of that section,  
4           in the most recently completed performance cycle  
5           prior to the year in which the Secretary is mak-  
6           ing the funds available under this section dem-  
7           onstrate a reduction in the number and rate of  
8           serious injuries and fatalities; and

9           “(ii) the State has met or exceeded the per-  
10          formance targets described in clause (i).

11          “(3) QUALIFYING UNIT OF LOCAL GOVERN-  
12          MENT.—The term ‘qualifying unit of local govern-  
13          ment’ means a unit of local government in an urban-  
14          ized area served by a metropolitan planning organi-  
15          zation in which—

16               “(A) the average fatality and serious injury  
17               rates per 100,000,000 vehicle-miles-traveled with-  
18               in the urbanized area during the 3-year period  
19               beginning on January 1 of the fiscal year that  
20               was 3 years prior to the fiscal year in which the  
21               Secretary is making the grant under this section  
22               has grown more slowly or declined, as compared  
23               to the average fatality and serious injury rates  
24               per 100,000,000 vehicle-miles-traveled within the  
25               urbanized area during the 3-year period begin-

1            *ning on January 1 of the fiscal year that was*  
2            *6 years prior to the fiscal year in which the Sec-*  
3            *retary is making the grant under this section;*

4            *“(B) the average annual number of serious*  
5            *injuries and fatalities within the urbanized area,*  
6            *as measured on a per capita basis, during the 3-*  
7            *year period beginning on January 1 of the fiscal*  
8            *year that was 3 years prior to the fiscal year in*  
9            *which the Secretary is making the grant under*  
10           *this section has grown more slowly or declined,*  
11           *as compared to the average annual per capita*  
12           *number of serious injuries and fatalities within*  
13           *the urbanized area during the 3-year period be-*  
14           *ginning on January 1 of the fiscal year that was*  
15           *6 years prior to the fiscal year in which the Sec-*  
16           *retary is making the grant under this section;*

17           *“(C) the average annual number of fatali-*  
18           *ties within the urbanized area, as measured on*  
19           *a per capita basis, during the 3-year period be-*  
20           *ginning on January 1 of the fiscal year that was*  
21           *3 years prior to the fiscal year in which the Sec-*  
22           *retary is making the grant under this section is*  
23           *less than  $\frac{1}{2}$  of the nationwide average annual*  
24           *per capita number of fatalities during that pe-*  
25           *riod; or*

1           “(D)(i) the performance targets set for the  
2           urbanized area under section 150(c)(4), in ac-  
3           cordance with section 134(h)(2)(B)(i), in the  
4           most recently completed performance cycle prior  
5           to the year in which the Secretary is making the  
6           grant under this section demonstrate a reduction  
7           in the number and rate of serious injuries and  
8           fatalities; and

9           “(ii) the urbanized area has met or exceeded  
10          the performance targets described in clause (i).

11          “(4) *SERIOUS INJURIES AND FATALITIES.*—The  
12          term ‘serious injuries and fatalities’ means serious in-  
13          juries and fatalities, as measured in accordance with  
14          the measures established under section 150(c)(4).

15          “(b) *FATALITY REDUCTION PERFORMANCE AND PLAN-*  
16          *NING RECOGNITION AWARDS.*—

17          “(1) *IN GENERAL.*—The Secretary shall establish  
18          a competitive grant program to award grants to eligi-  
19          ble entities in recognition of the achievement of the el-  
20          igible entity in meeting the performance categories de-  
21          scribed in paragraph (3)(A).

22          “(2) *ELIGIBLE ENTITIES.*—The Secretary shall  
23          distribute amounts under paragraph (1) to any of the  
24          following:

25                 “(A) A qualifying State.

1           “(B) *A qualifying unit of local government.*

2           “(3) *PERFORMANCE CATEGORIES.—*

3           “(A) *IN GENERAL.—The Secretary shall se-*  
4           *lect eligible entities to receive a grant under*  
5           *paragraph (1) to recognize the achievement of the*  
6           *eligible entity in meeting any of the following*  
7           *performance categories:*

8                   “(i) *Significant progress in reducing*  
9                   *serious injuries and fatalities, as measured*  
10                  *on a per capita basis.*

11                  “(ii) *Significant progress in reducing*  
12                  *the rates of serious injuries and fatalities*  
13                  *per vehicle-mile traveled.*

14                  “(iii) *Having a per capita number of*  
15                  *serious injuries and fatalities that is among*  
16                  *the lowest of jurisdictions with comparable*  
17                  *population and surface transportation sys-*  
18                  *tem characteristics.*

19                  “(iv) *Having a per vehicle-mile trav-*  
20                  *eled number of serious injuries and fatali-*  
21                  *ties that is among the lowest of jurisdictions*  
22                  *with comparable population and surface*  
23                  *transportation system characteristics.*

24                  “(v) *Innovative safety planning efforts*  
25                  *and implementation of plans leading to*

1           *achievement with respect to the reduction of*  
2           *serious injuries and fatalities.*

3           “(B) *MERIT BASED DISTRIBUTION.*—*In se-*  
4           *lecting among eligible entities to receive grants*  
5           *under paragraph (1) and the amounts of each of*  
6           *those grants, the Secretary shall give priority to*  
7           *eligible entities that have achieved the most sig-*  
8           *nificant levels of reduction in serious injuries*  
9           *and fatalities, as measured either on a per cap-*  
10          *ita basis or per-vehicle mile traveled basis.*

11          “(C) *MULTIPLE AWARDS.*—*The Secretary*  
12          *may—*

13                 “(i) *award a grant under paragraph*  
14                 *(1) to multiple eligible entities for each per-*  
15                 *formance category described in subpara-*  
16                 *graph (A); and*

17                 “(ii) *recognize achievements in each*  
18                 *performance category described in subpara-*  
19                 *graph (A)—*

20                         “(I) *in urban and rural areas;*  
21                         *and*

22                         “(II) *on the State and local level.*

23          “(D) *REPEAT AWARDS.*—*The Secretary*  
24          *may not award a grant under this subsection to*

1           *the same eligible entity more than once during a*  
2           *2-year period.*

3           “(4) *AWARD AMOUNT.*—*A grant under para-*  
4           *graph (1) shall be in an amount—*

5                   “(A) *not less than \$5,000,000; and*

6                   “(B) *not more than \$30,000,000.*

7           “(5) *ELIGIBLE USES.*—*An eligible entity may*  
8           *use a grant under paragraph (1) for—*

9                   “(A) *an activity eligible under this title; or*

10                  “(B) *a project—*

11                           “(i) *to maintain the condition of a*  
12                           *Federal-aid highway, including routine*  
13                           *maintenance; or*

14                           “(ii) *that—*

15                                   “(I) *responds to a specific condi-*  
16                                   *tion or event; and*

17                                   “(II) *restores a Federal-aid high-*  
18                                   *way to a functional state of operations.*

19           “(6) *APPLICATIONS.*—*To be eligible to receive a*  
20           *grant under paragraph (1), an eligible entity shall*  
21           *submit to the Secretary an application at such time,*  
22           *in such manner, and containing such information as*  
23           *the Secretary may require.*

24           “(7) *FEDERAL SHARE.*—*The Federal share of the*  
25           *cost of a project carried out using a grant under*

1        *paragraph (1) shall be, as determined at the discre-*  
 2        *tion of the grant recipient, up to 100 percent.”.*

3            (2) *CLERICAL AMENDMENT.—The analysis for*  
 4        *chapter 1 of title 23, United States Code (as amended*  
 5        *by section 1123(b)), is amended by inserting after the*  
 6        *item relating to section 171 the following:*

*“172. Formula safety incentive program.*

*“173. Fatality reduction performance program.”.*

7            (b) *VULNERABLE ROAD USER RESEARCH PLAN.—*

8            (1) *DEFINITIONS.—In this subsection:*

9            (A) *ADMINISTRATOR.—The term “Adminis-*  
 10        *trator” means the Secretary of Transportation,*  
 11        *acting through the Administrator of the Federal*  
 12        *Highway Administration.*

13            (B) *VULNERABLE ROAD USER.—The term*  
 14        *“vulnerable road user” has the meaning given*  
 15        *the term in section 172(a) of title 23, United*  
 16        *States Code.*

17            (2) *ESTABLISHMENT OF RESEARCH PLAN.—The*  
 18        *Administrator shall establish a research plan to*  
 19        *prioritize research on roadway designs, the develop-*  
 20        *ment of safety countermeasures to minimize fatalities*  
 21        *and serious injuries to vulnerable road users, and the*  
 22        *promotion of bicycling and walking, including re-*  
 23        *search relating to—*

1           (A) roadway safety improvements, includ-  
2           ing traffic calming techniques and vulnerable  
3           road user accommodations appropriate in a sub-  
4           urban arterial context;

5           (B) the impacts of traffic speeds, and access  
6           to low-traffic stress corridors, on safety and rates  
7           of bicycling and walking;

8           (C) tools to evaluate the impact of transpor-  
9           tation improvements on projected rates and safe-  
10          ty of bicycling and walking; and

11          (D) other research areas to be determined by  
12          the Administrator.

13          (3) *VULNERABLE ROAD USER ASSESSMENTS.*—

14          *The Administrator shall—*

15           (A) review each vulnerable road user safety  
16           assessment submitted by a State under section  
17           172(c) of title 23, United States Code, and other  
18           relevant sources of data to determine what, if  
19           any, standard definitions and methods should be  
20           developed through guidance to enable a State to  
21           collect pedestrian injury and fatality data; and

22           (B) in the first progress update under para-  
23           graph (4)(B), provide—

24           (i) the results of the determination de-  
25           scribed in subparagraph (A); and

1                   (ii) the recommendations of the Sec-  
2                   retary with respect to the collection and re-  
3                   porting of data on the safety of vulnerable  
4                   road users.

5                   (4) SUBMISSION; PUBLICATION.—

6                   (A) SUBMISSION OF PLAN.—Not later than  
7                   180 days after the date of enactment of this Act,  
8                   the Administrator shall submit to the Committee  
9                   on Environment and Public Works of the Senate  
10                  and the Committee on Transportation and Infra-  
11                  structure of the House of Representatives the re-  
12                  search plan described in paragraph (2).

13                  (B) PROGRESS UPDATES.—Not later than 2  
14                  years after the date of enactment of this Act, and  
15                  biannually thereafter, the Administrator shall  
16                  submit to the Committees described in subpara-  
17                  graph (A)—

18                         (i) updates on the progress and find-  
19                         ings of the research conducted pursuant to  
20                         the plan described in paragraph (2); and

21                         (ii) in the first submission under this  
22                         subparagraph, the results and recommenda-  
23                         tions described in paragraph (3)(B).

1 **SEC. 1125. WILDLIFE CROSSING SAFETY.**

2 (a) *DECLARATION OF POLICY.*—Section 101(b)(3)(D)  
3 of title 23, United States Code, is amended, in the matter  
4 preceding clause (i), by inserting “resilient,” after “effi-  
5 cient,”.

6 (b) *WILDLIFE CROSSINGS PILOT PROGRAM.*—

7 (1) *IN GENERAL.*—Chapter 1 of title 23, United  
8 States Code (as amended by section 1124(a)(1)), is  
9 amended by adding at the end the following:

10 **“§ 174. Wildlife crossings pilot program**

11 “(a) *FINDING.*—Congress finds that greater adoption  
12 of wildlife-vehicle collision safety countermeasures is in the  
13 public interest because—

14 “(1) according to the report of the Federal High-  
15 way Administration entitled ‘Wildlife-Vehicle Colli-  
16 sion Reduction Study’, there are more than 1,000,000  
17 wildlife-vehicle collisions every year;

18 “(2) wildlife-vehicle collisions—

19 “(A) present a danger to—

20 “(i) human safety; and

21 “(ii) wildlife survival; and

22 “(B) represent a persistent concern that re-  
23 sults in tens of thousands of serious injuries and  
24 hundreds of fatalities on the roadways of the  
25 United States; and

1           “(3) the total annual cost associated with wild-  
2       *life-vehicle collisions has been estimated to be*  
3       \$8,388,000,000; and

4           “(4) wildlife-vehicle collisions are a major threat  
5       *to the survival of species, including birds, reptiles,*  
6       *mammals, and amphibians.*

7           “(b) *ESTABLISHMENT.*—*The Secretary shall establish*  
8       *a competitive wildlife crossings pilot program (referred to*  
9       *in this section as the ‘pilot program’) to provide grants for*  
10       *projects that seek to achieve—*

11           “(1) *a reduction in the number of wildlife-vehicle*  
12       *collisions; and*

13           “(2) *in carrying out the purpose described in*  
14       *paragraph (1), improved habitat connectivity for ter-*  
15       *restrial and aquatic species.*

16           “(c) *ELIGIBLE ENTITIES.*—*An entity eligible to apply*  
17       *for a grant under the pilot program is—*

18           “(1) *a State highway agency, or an equivalent*  
19       *of that agency;*

20           “(2) *a metropolitan planning organization (as*  
21       *defined in section 134(b));*

22           “(3) *a unit of local government;*

23           “(4) *a regional transportation authority;*

1           “(5) a special purpose district or public author-  
2           ity with a transportation function, including a port  
3           authority;

4           “(6) an Indian tribe (as defined in section  
5           207(m)(1)), including a Native village and a Native  
6           Corporation (as those terms are defined in section 3  
7           of the Alaska Native Claims Settlement Act (43  
8           U.S.C. 1602));

9           “(7) a Federal land management agency; or

10           “(8) a group of any of the entities described in  
11           paragraphs (1) through (7).

12           “(d) APPLICATIONS.—

13           “(1) IN GENERAL.—To be eligible to receive a  
14           grant under the pilot program, an eligible entity shall  
15           submit to the Secretary an application at such time,  
16           in such manner, and containing such information as  
17           the Secretary may require.

18           “(2) REQUIREMENT.—If an application under  
19           paragraph (1) is submitted by an eligible entity other  
20           than an eligible entity described in paragraph (1) or  
21           (7) of subsection (c), the application shall include  
22           documentation that the State highway agency, or an  
23           equivalent of that agency, of the State in which the  
24           eligible entity is located was consulted during the de-  
25           velopment of the application.

1           “(3) *GUIDANCE.*—*To enhance consideration of*  
2           *current and reliable data, eligible entities may obtain*  
3           *guidance from an agency in the State with jurisdic-*  
4           *tion over fish and wildlife.*

5           “(e) *CONSIDERATIONS.*—*In selecting grant recipients*  
6           *under the pilot program, the Secretary shall take into con-*  
7           *sideration the following:*

8                   “(1) *Primarily, the extent to which the proposed*  
9                   *project of an eligible entity is likely to protect motor-*  
10                  *ists and wildlife by reducing the number of wildlife-*  
11                  *vehicle collisions and improve habitat connectivity for*  
12                  *terrestrial and aquatic species.*

13                  “(2) *Secondarily, the extent to which the pro-*  
14                  *posed project of an eligible entity is likely to accom-*  
15                  *plish the following:*

16                          “(A) *Leveraging Federal investment by en-*  
17                          *couraging non-Federal contributions to the*  
18                          *project, including projects from public-private*  
19                          *partnerships.*

20                          “(B) *Supporting local economic develop-*  
21                          *ment and improvement of visitation opportuni-*  
22                          *ties.*

23                          “(C) *Incorporation of innovative tech-*  
24                          *nologies, including advanced design techniques*  
25                          *and other strategies to enhance efficiency and ef-*

1       *fectiveness in reducing wildlife-vehicle collisions*  
2       *and improving habitat connectivity for terres-*  
3       *trial and aquatic species.*

4               “(D) *Provision of educational and outreach*  
5       *opportunities.*

6               “(E) *Monitoring and research to evaluate,*  
7       *compare effectiveness of, and identify best prac-*  
8       *tices in, selected projects.*

9               “(F) *Any other criteria relevant to reducing*  
10       *the number of wildlife-vehicle collisions and im-*  
11       *proving habitat connectivity for terrestrial and*  
12       *aquatic species, as the Secretary determines to be*  
13       *appropriate, subject to the condition that the im-*  
14       *plementation of the pilot program shall not be*  
15       *delayed in the absence of action by the Secretary*  
16       *to identify additional criteria under this sub-*  
17       *paragraph.*

18       “(f) *USE OF FUNDS.—*

19               “(1) *IN GENERAL.—The Secretary shall ensure*  
20       *that a grant received under the pilot program is used*  
21       *for a project to reduce wildlife-vehicle collisions.*

22               “(2) *GRANT ADMINISTRATION.—*

23               “(A) *IN GENERAL.—A grant received under*  
24       *the pilot program shall be administered by—*

1           “(i) *in the case of a grant to a Federal*  
2 *land management agency or an Indian*  
3 *tribe (as defined in section 207(m)(1)), in-*  
4 *cluding a Native village and a Native Cor-*  
5 *poration (as those terms are defined in sec-*  
6 *tion 3 of the Alaska Native Claims Settle-*  
7 *ment Act (43 U.S.C. 1602)), the Federal*  
8 *Highway Administration, through an agree-*  
9 *ment; and*

10           “(ii) *in the case of a grant to an eligi-*  
11 *ble entity other than an eligible entity de-*  
12 *scribed in clause (i), the State highway*  
13 *agency, or an equivalent of that agency, for*  
14 *the State in which the project is to be car-*  
15 *ried out.*

16           “(B) *PARTNERSHIPS.—*

17           “(i) *IN GENERAL.—A grant received*  
18 *under the pilot program may be used to*  
19 *provide funds to eligible partners of the*  
20 *project for which the grant was received de-*  
21 *scribed in clause (ii), in accordance with*  
22 *the terms of the project agreement.*

23           “(ii) *ELIGIBLE PARTNERS DE-*  
24 *SCRIBED.—The eligible partners referred to*  
25 *in clause (i) include—*

1           “(I) a metropolitan planning or-  
2           ganization (as defined in section  
3           134(b));

4           “(II) a unit of local government;

5           “(III) a regional transportation  
6           authority;

7           “(IV) a special purpose district or  
8           public authority with a transportation  
9           function, including a port authority;

10           “(V) an Indian tribe (as defined  
11           in section 207(m)(1)), including a Na-  
12           tive village and a Native Corporation  
13           (as those terms are defined in section 3  
14           of the Alaska Native Claims Settlement  
15           Act (43 U.S.C. 1602));

16           “(VI) a Federal land management  
17           agency;

18           “(VII) a foundation, nongovern-  
19           mental organization, or institution of  
20           higher education;

21           “(VIII) a Federal, Tribal, re-  
22           gional, or State government entity;  
23           and

1                   “(IX) a group of any of the enti-  
2                   ties described in subclauses (I) through  
3                   (VIII).

4                   “(3) COMPLIANCE.—An eligible entity that re-  
5                   ceives a grant under the pilot program and enters  
6                   into a partnership described in paragraph (2) shall  
7                   establish measures to verify that an eligible partner  
8                   that receives funds from the grant complies with the  
9                   conditions of the pilot program in using those funds.

10                  “(g) REQUIREMENT.—The Secretary shall ensure that  
11                  not less than 60 percent of the amounts made available for  
12                  grants under the pilot program each fiscal year are for  
13                  projects located in rural areas.

14                  “(h) ANNUAL REPORT TO CONGRESS.—

15                         “(1) IN GENERAL.—Not later than December 31  
16                         of each calendar year, the Secretary shall submit to  
17                         Congress, and make publicly available, a report de-  
18                         scribing the activities under the pilot program for the  
19                         fiscal year that ends during that calendar year.

20                         “(2) CONTENTS.—The report under paragraph  
21                         (1) shall include—

22                                 “(A) a detailed description of the activities  
23                                 carried out under the pilot program;



1                   “(i) update and expand on, as appro-  
2                   priate—

3                   “(I) the report entitled ‘Wildlife  
4                   Vehicle Collision Reduction Study:  
5                   2008 Report to Congress’; and

6                   “(II) the document entitled ‘Wild-  
7                   life Vehicle Collision Reduction Study:  
8                   Best Practices Manual’ and dated Oc-  
9                   tober 2008; and

10                  “(ii) include—

11                  “(I) an assessment, as of the date  
12                  of the study, of—

13                  “(aa) the causes of wildlife-  
14                  vehicle collisions;

15                  “(bb) the impact of wildlife-  
16                  vehicle collisions on motorists and  
17                  wildlife; and

18                  “(cc) the impacts of roads  
19                  and traffic on habitat  
20                  connectivity for terrestrial and  
21                  aquatic species; and

22                  “(II) solutions and best practices  
23                  for—

24                  “(aa) reducing wildlife-vehi-  
25                  cle collisions; and

1                   “(bb) *improving habitat*  
2                   *connectivity for terrestrial and*  
3                   *aquatic species.*

4                   “(B) *METHODS.—In carrying out the*  
5                   *study, the Secretary shall—*

6                   “(i) *conduct a thorough review of re-*  
7                   *search and data relating to—*

8                   “(I) *wildlife-vehicle collisions; and*

9                   “(II) *habitat fragmentation that*  
10                   *results from transportation infrastruc-*  
11                   *ture;*

12                   “(ii) *survey current practices of the*  
13                   *Department of Transportation and State*  
14                   *departments of transportation to reduce*  
15                   *wildlife-vehicle collisions; and*

16                   “(iii) *consult with—*

17                   “(I) *appropriate experts in the*  
18                   *field of wildlife-vehicle collisions; and*

19                   “(II) *appropriate experts on the*  
20                   *effects of roads and traffic on habitat*  
21                   *connectivity for terrestrial and aquatic*  
22                   *species.*

23                   “(3) *REPORT.—*

24                   “(A) *IN GENERAL.—Not later than 18*  
25                   *months after the date of enactment of the Amer-*

1            *ica’s Transportation Infrastructure Act of 2019,*  
2            *the Secretary shall submit to Congress a report*  
3            *on the results of the study.*

4            “(B) CONTENTS.—*The report under sub-*  
5            *paragraph (A) shall include—*

6            “(i) *a description of—*

7            “(I) *the causes of wildlife-vehicle*  
8            *collisions;*

9            “(II) *the impacts of wildlife-vehi-*  
10           *cle collisions;*

11           “(III) *the impacts of roads and*  
12           *traffic on—*

13           “(aa) *species listed as threat-*  
14           *ened species or endangered species*  
15           *under the Endangered Species Act*  
16           *of 1973 (16 U.S.C. 1531 et seq.);*

17           “(bb) *species identified by*  
18           *States as species of greatest con-*  
19           *servation need;*

20           “(cc) *species identified in*  
21           *State wildlife plans; and*

22           “(dd) *medium and small ter-*  
23           *restrial and aquatic species;*

24           “(ii) *an economic evaluation of the*  
25           *costs and benefits of installing highway in-*

1            *frastructure and other measures to mitigate*  
2            *damage to terrestrial and aquatic species,*  
3            *including the effect on jobs, property values,*  
4            *and economic growth to society, adjacent*  
5            *communities, and landowners;*

6            *“(iii) recommendations for preventing*  
7            *wildlife-vehicle collisions, including rec-*  
8            *ommended best practices, funding resources,*  
9            *or other recommendations for addressing*  
10           *wildlife-vehicle collisions; and*

11           *“(iv) guidance, developed in consulta-*  
12           *tion with Federal land management agen-*  
13           *cies and State departments of transpor-*  
14           *tation, State fish and wildlife agencies, and*  
15           *Tribal governments that agree to partici-*  
16           *pate, for developing, for each State that*  
17           *agrees to participate, a voluntary joint*  
18           *statewide transportation and wildlife action*  
19           *plan—*

20           *“(I) to address wildlife-vehicle col-*  
21           *lisions; and*

22           *“(II) to improve habitat*  
23           *connectivity for terrestrial and aquatic*  
24           *species.*

1       “(b) *WORKFORCE DEVELOPMENT AND TECHNICAL*  
2 *TRAINING.*—

3           “(1) *IN GENERAL.*—*Not later than 3 years after*  
4 *the date of enactment of the America’s Transportation*  
5 *Infrastructure Act of 2019, the Secretary shall, based*  
6 *on the study conducted under subsection (a), develop*  
7 *a series of in-person and online workforce develop-*  
8 *ment and technical training courses—*

9           “(A) *to reduce wildlife-vehicle collisions;*  
10         *and*

11           “(B) *to improve habitat connectivity for*  
12 *terrestrial and aquatic species.*

13       “(2) *AVAILABILITY.*—*The Secretary shall—*

14           “(A) *make the series of courses developed*  
15 *under paragraph (1) available for transportation*  
16 *and fish and wildlife professionals; and*

17           “(B) *update the series of courses not less fre-*  
18 *quently than once every 2 years.*

19       “(c) *STANDARDIZATION OF WILDLIFE COLLISION AND*  
20 *CARCASS DATA.*—

21           “(1) *STANDARDIZED METHODOLOGY.*—

22           “(A) *IN GENERAL.*—*The Secretary, acting*  
23 *through the Administrator of the Federal High-*  
24 *way Administration (referred to in this sub-*  
25 *section as the ‘Secretary’), shall develop a qual-*

1            *ity standardized methodology for collecting and*  
2            *reporting spatially accurate wildlife collision*  
3            *and carcass data for the National Highway Sys-*  
4            *tem, considering the practicability of the method-*  
5            *ology with respect to technology and cost.*

6            “(B) *METHODOLOGY.*—*In developing the*  
7            *standardized methodology under subparagraph*  
8            *(A), the Secretary shall—*

9                    “(i) *survey existing methodologies and*  
10                   *sources of data collection, including the Fa-*  
11                   *tality Analysis Reporting System, the Gen-*  
12                   *eral Estimates System of the National Auto-*  
13                   *motive Sampling System, and the Highway*  
14                   *Safety Information System; and*

15                   “(ii) *to the extent practicable, identify*  
16                   *and correct limitations of those existing*  
17                   *methodologies and sources of data collection.*

18            “(C) *CONSULTATION.*—*In developing the*  
19            *standardized methodology under subparagraph*  
20            *(A), the Secretary shall consult with—*

21                   “(i) *the Secretary of the Interior;*

22                   “(ii) *the Secretary of Agriculture, act-*  
23                   *ing through the Chief of the Forest Service;*

24                   “(iii) *Tribal, State, and local trans-*  
25                   *portation and wildlife authorities;*

1                   “(iv) metropolitan planning organiza-  
2                   tions (as defined in section 134(b));

3                   “(v) members of the American Associa-  
4                   tion of State Highway Transportation Offi-  
5                   cials;

6                   “(vi) members of the Association of  
7                   Fish and Wildlife Agencies;

8                   “(vii) experts in the field of wildlife-ve-  
9                   hicle collisions;

10                  “(viii) nongovernmental organizations;

11                  and

12                  “(ix) other interested stakeholders, as  
13                  appropriate.

14                  “(2) *STANDARDIZED NATIONAL DATA SYSTEM*  
15                  *WITH VOLUNTARY TEMPLATE IMPLEMENTATION.*—*The*  
16                  *Secretary shall—*

17                         “(A) develop a template for State imple-  
18                         mentation of a standardized national wildlife  
19                         collision and carcass data system for the Na-  
20                         tional Highway System that is based on the  
21                         standardized methodology developed under para-  
22                         graph (1); and

23                         “(B) encourage the voluntary implementa-  
24                         tion of the template developed under subpara-  
25                         graph (A).

1           “(3) *REPORTS.*—

2                   “(A) *METHODOLOGY.*—*The Secretary shall*  
3 *submit to Congress a report describing the stand-*  
4 *ardized methodology developed under paragraph*  
5 *(1) not later than the later of—*

6                           “(i) *the date that is 18 months after*  
7 *the date of enactment of the America’s*  
8 *Transportation Infrastructure Act of 2019;*  
9 *and*

10                           “(ii) *the date that is 180 days after the*  
11 *date on which the Secretary completes the*  
12 *development of the standardized method-*  
13 *ology.*

14                   “(B) *IMPLEMENTATION.*—*Not later than 4*  
15 *years after the date of enactment of the Amer-*  
16 *ica’s Transportation Infrastructure Act of 2019,*  
17 *the Secretary shall submit to Congress a report*  
18 *describing—*

19                           “(i) *the status of the voluntary imple-*  
20 *mentation of the standardized methodology*  
21 *developed under paragraph (1) and the tem-*  
22 *plate developed under paragraph (2)(A);*

23                           “(ii) *whether the implementation of the*  
24 *standardized methodology developed under*  
25 *paragraph (1) and the template developed*

1           *under paragraph (2)(A) has impacted ef-*  
2           *forts by States, units of local government,*  
3           *and other entities—*

4                   “(I) *to reduce the number of wild-*  
5                   *life-vehicle collisions; and*

6                   “(II) *to improve habitat*  
7                   *connectivity;*

8                   “(iii) *the degree of the impact de-*  
9                   *scribed in clause (i); and*

10                   “(iv) *the recommendations of the Sec-*  
11                   *retary, including recommendations for fur-*  
12                   *ther study aimed at reducing motorist colli-*  
13                   *sions involving wildlife and improving*  
14                   *habitat connectivity for terrestrial and*  
15                   *aquatic species on the National Highway*  
16                   *System, if any.*

17           “(d) *NATIONAL THRESHOLD GUIDANCE.—The Sec-*  
18           *retary shall—*

19                   “(1) *establish guidance, to be carried out by*  
20                   *States on a voluntary basis, that contains a threshold*  
21                   *for determining whether a highway shall be evaluated*  
22                   *for potential mitigation measures to reduce wildlife-*  
23                   *vehicle collisions and increase habitat connectivity for*  
24                   *terrestrial and aquatic species, taking into consider-*  
25                   *ation—*

1           “(A) the number of wildlife-vehicle collisions  
2           on the highway that pose a human safety risk;

3           “(B) highway-related mortality and the ef-  
4           fects of traffic on the highway on—

5           “(i) species listed as endangered species  
6           or threatened species under the Endangered  
7           Species Act of 1973 (16 U.S.C. 1531 et  
8           seq.);

9           “(ii) species identified by a State as  
10          species of greatest conservation need;

11          “(iii) species identified in State wild-  
12          life plans; and

13          “(iv) medium and small terrestrial  
14          and aquatic species; and

15          “(C) habitat connectivity values for terres-  
16          trial and aquatic species and the barrier effect of  
17          the highway on the movements and migrations of  
18          those species.”.

19          (2) *CLERICAL AMENDMENT.*—The analysis for  
20          chapter 1 of title 23, United States Code (as amended  
21          by subsection (b)(2)) is amended by inserting after  
22          the item relating to section 174 the following:

“175. Wildlife-vehicle collision reduction and habitat connectivity improvement.”.

23          (d) *WILDLIFE CROSSINGS STANDARDS.*—Section  
24          109(c)(2) of title 23, United States Code, is amended—

1           (1) *in subparagraph (E), by striking “and” at*  
2     *the end;*

3           (2) *by redesignating subparagraph (F) as sub-*  
4     *paragraph (G); and*

5           (3) *by inserting after subparagraph (E) the fol-*  
6     *lowing:*

7                     *“(F) the publication of the Federal High-*  
8                     *way Administration entitled ‘Wildlife Crossing*  
9                     *Structure Handbook: Design and Evaluation in*  
10                    *North America’ and dated March 2011; and”.*

11        (e) *WILDLIFE HABITAT CONNECTIVITY AND NATIONAL*  
12 *BRIDGE AND TUNNEL INVENTORY AND INSPECTION STAND-*  
13 *ARDS.—Section 144 of title 23, United States Code, is*  
14 *amended—*

15           (1) *in subsection (a)(2)—*

16                     (A) *in subparagraph (B), by inserting “, re-*  
17                     *silience,” after “safety”;*

18                     (B) *in subparagraph (D), by striking “and”*  
19                     *at the end;*

20                     (C) *in subparagraph (E), by striking the*  
21                     *period at the end and inserting “; and”; and*

22                     (D) *by adding at the end the following:*

23                             *“(F) to ensure adequate passage of aquatic*  
24                             *and terrestrial species, where appropriate.”;*

25           (2) *in subsection (b)—*

1           (A) in paragraph (4), by striking “and” at  
2           the end;

3           (B) in paragraph (5), by striking the period  
4           at the end and inserting “; and”; and

5           (C) by adding at the end the following:

6           “(6) determine if the replacement or rehabilita-  
7           tion of bridges and tunnels should include measures  
8           to enable safe and unimpeded movement for terres-  
9           trial and aquatic species.”; and

10          (3) in subsection (i), by adding at the end the  
11          following:

12          “(3) *REQUIREMENT.*—The first revision under  
13          paragraph (2) after the date of enactment of the  
14          America’s Transportation Infrastructure Act of 2019  
15          shall include techniques to assess passage of aquatic  
16          and terrestrial species and habitat restoration poten-  
17          tial.”.

18 **SEC. 1126. CONSOLIDATION OF PROGRAMS.**

19          Section 1519(a) of MAP–21 (Public Law 112–141; 126  
20          Stat. 574; 129 Stat. 1423) is amended, in the matter pre-  
21          ceding paragraph (1), by striking “fiscal years 2016  
22          through 2020” and inserting “fiscal years 2021 through  
23          2025”.

1 **SEC. 1127. STATE FREIGHT ADVISORY COMMITTEES.**

2 *Section 70201 of title 49, United States Code, is*  
3 *amended—*

4 *(1) in subsection (a), by striking “representatives*  
5 *of ports, freight railroads,” and all that follows*  
6 *through the period at the end and inserting the fol-*  
7 *lowing: “representatives of—*

8 *“(1) ports, if applicable;*

9 *“(2) freight railroads, if applicable;*

10 *“(3) shippers;*

11 *“(4) carriers;*

12 *“(5) freight-related associations;*

13 *“(6) third-party logistics providers;*

14 *“(7) the freight industry workforce;*

15 *“(8) the transportation department of the State;*

16 *“(9) metropolitan planning organizations;*

17 *“(10) local governments;*

18 *“(11) the environmental protection department*  
19 *of the State, if applicable;*

20 *“(12) the air resources board of the State, if ap-*  
21 *plicable; and*

22 *“(13) economic development agencies of the*  
23 *State.”;*

24 *(2) in subsection (b)(5), by striking “70202.”*  
25 *and inserting “70202, including by providing advice*

1       *regarding the development of the freight investment*  
 2       *plan; and”;*

3               *(3) by redesignating subsection (b) as subsection*  
 4       *(c); and*

5               *(4) by inserting after subsection (a) the fol-*  
 6       *lowing:*

7       “*(b) QUALIFICATIONS.—Each member of a freight ad-*  
 8       *visory committee established under subsection (a) shall have*  
 9       *qualifications sufficient to serve on a freight advisory com-*  
 10       *mittee, including, as applicable—*

11               “*(1) general business and financial experience;*

12               “*(2) experience or qualifications in the areas of*  
 13       *freight transportation and logistics;*

14               “*(3) experience in transportation planning;*

15               “*(4) experience representing employees of the*  
 16       *freight industry; or*

17               “*(5) experience representing a State, local gov-*  
 18       *ernment, or metropolitan planning organization.”.*

19       **SEC. 1128. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**  
 20               **GRAM.**

21       *Section 165 of title 23, United States Code, is amend-*  
 22       *ed—*

23               *(1) in subsection (a), by striking paragraphs (1)*  
 24       *and (2) and inserting the following:*

1           “(1) for the Puerto Rico highway program under  
2           subsection (b)—

3                   “(A) \$161,500,000 shall be for fiscal year  
4                   2021;

5                   “(B) \$165,000,000 shall be for fiscal year  
6                   2022;

7                   “(C) \$168,000,000 shall be for fiscal year  
8                   2023;

9                   “(D) \$171,000,000 shall be for fiscal year  
10                  2024; and

11                  “(E) \$175,500,000 shall be for fiscal year  
12                  2025; and

13           “(2) for the territorial highway program under  
14           subsection (c)—

15                  “(A) \$43,000,000 shall be for fiscal year  
16                  2021;

17                  “(B) \$43,000,000 shall be for fiscal year  
18                  2022;

19                  “(C) \$44,000,000 shall be for fiscal year  
20                  2023;

21                  “(D) \$45,000,000 shall be for fiscal year  
22                  2024; and

23                  “(E) \$46,000,000 shall be for fiscal year  
24                  2025.”; and

1           (2) in subsection (c)(7), by striking “paragraphs  
2           (1) through (4) of section 133(c) and section  
3           133(b)(12)” and inserting “paragraphs (1), (2), (3),  
4           and (5) of section 133(c) and section 133(b)(13)”.

5 **SEC. 1129. NATIONALLY SIGNIFICANT FEDERAL LANDS AND**  
6 **TRIBAL PROJECTS PROGRAM.**

7           Section 1123 of the FAST Act (23 U.S.C. 201 note;  
8           Public Law 114–94) is amended—

9           (1) in subsection (c)(3), by striking  
10           “\$25,000,000” and all that follows through the period  
11           at the end and inserting “\$12,500,000.”;

12           (2) in subsection (g)—

13           (A) by striking the subsection designation  
14           and heading and all that follows through “The  
15           Federal” in paragraph (1) and inserting the fol-  
16           lowing:

17           “(g) COST SHARE.—

18           “(1) FEDERAL SHARE.—

19           “(A) IN GENERAL.—Except as provided in  
20           subparagraph (B), the Federal”;

21           (B) in paragraph (1), by adding at the end  
22           the following:

23           “(B) TRIBAL PROJECTS.—In the case of a  
24           project on a tribal transportation facility (as de-  
25           fined in section 101(a) of title 23, United States

1           Code), the Federal share of the cost of the project  
2           shall be 100 percent.”; and

3           (C) in paragraph (2), by striking “other  
4           than those made available under title 23 or title  
5           49, United States Code,”; and

6           (3) by striking subsection (h) and inserting the  
7           following:

8           “(h) USE OF FUNDS.—

9           “(1) IN GENERAL.—For each fiscal year, of the  
10          amounts made available to carry out this section—

11          “(A) 50 percent shall be used for eligible  
12          projects on Federal lands transportation facili-  
13          ties and Federal lands access transportation fa-  
14          cilities (as those terms are defined in section  
15          101(a) of title 23, United States Code); and

16          “(B) 50 percent shall be used for eligible  
17          projects on tribal transportation facilities (as de-  
18          fined in section 101(a) of title 23, United States  
19          Code).

20          “(2) REQUIREMENT.—Not less than 1 eligible  
21          project carried out using the amount described in  
22          paragraph (1)(A) shall be in a unit of the National  
23          Park System with not less than 3,000,000 annual  
24          visitors.

1           “(3) *AVAILABILITY.*—Amounts made available  
2           under to carry out this section shall remain available  
3           for a period of 3 fiscal years following the fiscal year  
4           for which the amounts are appropriated.”.

5 **SEC. 1130. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

6           Section 1123(h) of MAP–21 (23 U.S.C. 202 note; Pub-  
7           lic Law 112–141) is amended—

8           (1) by redesignating paragraph (2) as para-  
9           graph (3);

10           (2) in paragraph (3) (as so redesignated), in the  
11           matter preceding subparagraph (A), by striking  
12           “paragraph (1)” and inserting “paragraphs (1) and  
13           (2)”; and

14           (3) by striking the subsection designation and  
15           heading and all that follows through the period at the  
16           end of paragraph (1) and inserting the following:

17           “(h) *FUNDING.*—

18           “(1) *SET-ASIDE.*—For each of fiscal years 2021  
19           through 2025, of the amounts made available to carry  
20           out the tribal transportation program under section  
21           202 of title 23, United States Code, for that fiscal  
22           year, the Secretary shall use \$9,000,000 to carry out  
23           the program.

24           “(2) *AUTHORIZATION OF APPROPRIATIONS.*—In  
25           addition to amounts made available under paragraph

1       (1), there is authorized to be appropriated  
 2       \$30,000,000 out of the general fund of the Treasury  
 3       to carry out the program for each of fiscal years 2021  
 4       through 2025.”.

5                   ***Subtitle B—Planning and***  
 6                   ***Performance Management***

7       ***SEC. 1201. TRANSPORTATION PLANNING.***

8       (a) *METROPOLITAN TRANSPORTATION PLANNING.*—

9       Section 134 of title 23, United States Code, is amended—

10           (1) in subsection (d)—

11                   (A) in paragraph (3), by adding at the end  
 12                   the following:

13                           “(D) *CONSIDERATIONS.*—In designating of-  
 14                           ficials or representatives under paragraph (2) for  
 15                           the first time, subject to the bylaws or enabling  
 16                           statute of the metropolitan planning organiza-  
 17                           tion, the metropolitan planning organization  
 18                           shall consider the equitable and proportional  
 19                           representation of the population of the metropoli-  
 20                           tan planning area.”; and

21                   (B) in paragraph (7)—

22                           (i) by striking “an existing metropoli-  
 23                           tan planning area” and inserting “an ur-  
 24                           banized area (as defined by the Bureau of  
 25                           the Census)”; and

1                   (ii) by striking “the existing metropoli-  
2                   tan planning area” and inserting “the  
3                   area”;

4                   (2) in subsection (g)—

5                   (A) in paragraph (1), by striking “a metro-  
6                   politan area” and inserting “an urbanized area  
7                   (as defined by the Bureau of the Census)”; and

8                   (B) by adding at the end the following:

9                   “(4) COORDINATION BETWEEN MPOS.—If more  
10                  than 1 metropolitan planning organization is des-  
11                  ignated within an urbanized area (as defined by the  
12                  Bureau of the Census) under subsection (d)(7), the  
13                  metropolitan planning organizations designated with-  
14                  in the area shall ensure, to the maximum extent prac-  
15                  ticable, the consistency of any data used in the plan-  
16                  ning process, including information used in fore-  
17                  casting travel demand.

18                  “(5) SAVINGS CLAUSE.—Nothing in this sub-  
19                  section requires metropolitan planning organizations  
20                  designated within a single urbanized area to jointly  
21                  develop planning documents, including a unified  
22                  long-range transportation plan or unified TIP.”; and

23                  (3) in subsection (i)(6), by adding at the end the  
24                  following:

1           “(D) *USE OF TECHNOLOGY.*—A metropoli-  
 2           tan planning organization may use social media  
 3           and other web-based tools—

4                   “(i) to further encourage public par-  
 5                   ticipation; and

6                   “(ii) to solicit public feedback during  
 7                   the transportation planning process.”.

8           (b) *STATEWIDE AND NONMETROPOLITAN TRANSPOR-*  
 9           *TATION PLANNING.*—Section 135(f)(3) of title 23, United  
 10          States Code, is amended by adding at the end the following:

11                   “(C) *USE OF TECHNOLOGY.*—A State may  
 12                   use social media and other web-based tools—

13                   “(i) to further encourage public par-  
 14                   ticipation; and

15                   “(ii) to solicit public feedback during  
 16                   the transportation planning process.”.

17          **SEC. 1202. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**  
 18          **PORTATION PLANS.**

19          Not later than 1 year after the date of enactment of  
 20          this Act, the Secretary shall amend section  
 21          450.324(f)(11)(v) of title 23, Code of Federal Regulations,  
 22          to ensure that the outer years of a metropolitan transpor-  
 23          tation plan are defined as “beyond the first 4 years”.

1 **SEC. 1203. STATE HUMAN CAPITAL PLANS.**

2       (a) *IN GENERAL.*—Chapter 1 of title 23, United States  
3 Code (as amended by section 1125(c)(1)), is amended by  
4 adding at the end the following:

5 **“§ 176. State human capital plans**

6       “(a) *IN GENERAL.*—Not later than 18 months after the  
7 date of enactment of this section, the Secretary shall encour-  
8 age each State to develop a voluntary plan, to be known  
9 as a ‘human capital plan’, that provides for the immediate  
10 and long-term personnel and workforce needs of the State  
11 with respect to the capacity of the State to deliver transpor-  
12 tation and public infrastructure eligible under this title.

13       “(b) *PLAN CONTENTS.*—

14               “(1) *IN GENERAL.*—A human capital plan devel-  
15 oped by a State under subsection (a) shall, to the  
16 maximum extent practicable, take into consider-  
17 ation—

18                       “(A) significant transportation workforce  
19 trends, needs, issues, and challenges with respect  
20 to the State;

21                       “(B) the human capital policies, strategies,  
22 and performance measures that will guide the  
23 transportation-related workforce investment deci-  
24 sions of the State;

25                       “(C) coordination with educational institu-  
26 tions, industry, organized labor, workforce

1           boards, and other agencies or organizations to  
2           address the human capital transportation needs  
3           of the State;

4           “(D) a workforce planning strategy that  
5           identifies current and future human capital  
6           needs, including the knowledge, skills, and abili-  
7           ties needed to recruit and retain skilled workers  
8           in the transportation industry;

9           “(E) a human capital management strategy  
10          that is aligned with the transportation mission,  
11          goals, and organizational objectives of the State;

12          “(F) an implementation system for work-  
13          force goals focused on addressing continuity of  
14          leadership and knowledge sharing across the  
15          State;

16          “(G) an implementation system that ad-  
17          dresses workforce competency gaps, particularly  
18          in mission-critical occupations;

19          “(H) in the case of public-private partner-  
20          ships or other alternative project delivery meth-  
21          ods to carry out the transportation program of  
22          the State, a description of workforce needs—

23                  “(i) to ensure that the transportation  
24                  mission, goals, and organizational objectives  
25                  of the State are fully carried out; and

1                   “(ii) to ensure that procurement meth-  
2                   ods provide the best public value;

3                   “(I) a system for analyzing and evaluating  
4                   the performance of the State department of  
5                   transportation with respect to all aspects of  
6                   human capital management policies, programs,  
7                   and activities; and

8                   “(J) the manner in which the plan will im-  
9                   prove the ability of the State to meet the na-  
10                  tional policy in support of performance manage-  
11                  ment established under section 150.

12                  “(2) *PLANNING PERIOD.*—If a State develops a  
13                  human capital plan under subsection (a), the plan  
14                  shall address a 5-year forecast period.

15                  “(c) *PLAN UPDATES.*—If a State develops a human  
16                  capital plan under subsection (a), the State shall update  
17                  the plan not less frequently than once every 5 years.

18                  “(d) *RELATIONSHIP TO LONG-RANGE PLAN.*—

19                         “(1) *IN GENERAL.*—Subject to paragraph (2), a  
20                         human capital plan developed by a State under sub-  
21                         section (a) may be developed separately from, or in-  
22                         corporated into, the long-range statewide transpor-  
23                         tation plan required under section 135.

24                         “(2) *EFFECT OF SECTION.*—Nothing in this sec-  
25                         tion requires a State, or authorizes the Secretary to

1        *require a State, to incorporate a human capital plan*  
 2        *into the long-range statewide transportation plan re-*  
 3        *quired under section 135.*

4        *“(e) PUBLIC AVAILABILITY.—Each State that develops*  
 5        *a human capital plan under subsection (a) shall make a*  
 6        *copy of the plan available to the public in a user-friendly*  
 7        *format on the website of the State department of transpor-*  
 8        *tation.*

9        *“(f) SAVINGS PROVISION.—Nothing in this section pre-*  
 10       *vents a State from carrying out transportation workforce*  
 11       *planning—*

12                *“(1) not described in this section; or*

13                *“(2) not in accordance with this section.”.*

14        *(b) CLERICAL AMENDMENT.—The analysis for chapter*  
 15        *1 of title 23, United States Code (as amended by section*  
 16        *1125(c)(2)), is amended by inserting after the item relating*  
 17        *to section 175 the following:*

*“176. State human capital plans.”.*

18        **SEC. 1204. ACCESSIBILITY DATA PILOT PROGRAM.**

19        *(a) IN GENERAL.—Not later than 1 year after the date*  
 20        *of enactment of this Act, the Secretary shall establish an*  
 21        *accessibility data pilot program (referred to in this section*  
 22        *as the “pilot program”).*

23        *(b) PURPOSE.—The purpose of the pilot program is*  
 24        *to develop or procure an accessibility data set and make*  
 25        *that data set available to each eligible entity selected to par-*

1 *ticipate in the pilot program to improve the transportation*  
2 *planning of those eligible entities by—*

3 *(1) measuring the level of access by multiple*  
4 *transportation modes to important destinations,*  
5 *which may include—*

6 *(A) jobs, including areas with a concentra-*  
7 *tion of available jobs;*

8 *(B) health care facilities;*

9 *(C) child care services;*

10 *(D) educational and workforce training fa-*  
11 *cilities;*

12 *(E) affordable housing;*

13 *(F) food sources; and*

14 *(G) connections between modes, including*  
15 *connections to—*

16 *(i) high-quality transit or rail service;*

17 *(ii) safe bicycling corridors; and*

18 *(iii) safe sidewalks that achieve com-*  
19 *pliance with applicable requirements of the*  
20 *Americans with Disabilities Act of 1990 (42*  
21 *U.S.C. 12101 et seq.);*

22 *(2) disaggregating the level of access by multiple*  
23 *transportation modes by a variety of population cat-*  
24 *egories, which may include—*

25 *(A) low-income populations;*

1                   (B) *minority populations;*

2                   (C) *age;*

3                   (D) *disability; and*

4                   (E) *geographical location; and*

5                   (3) *assessing the change in accessibility that*  
6                   *would result from new transportation investments.*

7                   (c) *ELIGIBLE ENTITIES.—An entity eligible to partici-*  
8                   *pate in the pilot program is—*

9                   (1) *a State (as defined in section 101(a) of title*  
10                   *23, United States Code);*

11                   (2) *a metropolitan planning organization; or*

12                   (3) *a rural transportation planning organiza-*  
13                   *tion.*

14                   (d) *APPLICATION.—To be eligible to participate in the*  
15                   *pilot program, an eligible entity shall submit to the Sec-*  
16                   *retary an application at such time, in such manner, and*  
17                   *containing such information as the Secretary may require,*  
18                   *including information relating to—*

19                   (1) *previous experience of the eligible entity*  
20                   *measuring transportation access or other performance*  
21                   *management experience;*

22                   (2) *the types of important destinations to which*  
23                   *the eligible entity intends to measure access;*

24                   (3) *the types of data disaggregation the eligible*  
25                   *entity intends to pursue;*

1           (4) a general description of the methodology the  
2 eligible entity intends to apply; and

3           (5) if the applicant does not intend the pilot pro-  
4 gram to apply to the full area under the jurisdiction  
5 of the applicant, a description of the geographic area  
6 in which the applicant intends the pilot program to  
7 apply.

8       (e) SELECTION.—

9           (1) IN GENERAL.—The Secretary shall seek to  
10 achieve diversity of participants in the pilot program  
11 by selecting a range of eligible entities that shall in-  
12 clude—

13           (A) States;

14           (B) metropolitan planning organizations  
15 that serve an area with a population of 200,000  
16 people or fewer;

17           (C) metropolitan planning organizations  
18 that serve an area with a population of over  
19 200,000 people; and

20           (D) rural transportation planning organi-  
21 zations.

22           (2) INCLUSIONS.—The Secretary shall seek to en-  
23 sure that, among the eligible entities selected under  
24 paragraph (1), there is—

1                   (A) a range of capacity and previous expe-  
2                   rience with measuring transportation access; and

3                   (B) a variety of proposed methodologies and  
4                   focus areas for measuring level of access.

5           (f) *DUTIES.*—For each eligible entity participating in  
6 the pilot program, the Secretary shall—

7                   (1) develop or acquire an accessibility data set  
8                   described in subsection (b); and

9                   (2) submit the data set to the eligible entity.

10          (g) *METHODOLOGY.*—In calculating the measures for  
11 the data set under the pilot program, the Secretary shall  
12 ensure that methodology is open source.

13          (h) *AVAILABILITY.*—The Secretary shall make an ac-  
14 cessibility data set under the pilot program available to—

15                   (1) units of local government within the jurisdic-  
16                   tion of the eligible entity participating in the pilot  
17                   program; and

18                   (2) researchers.

19          (i) *REPORT.*—Not later than 120 days after the last  
20 date on which the Secretary submits data sets to the eligible  
21 entity under subsection (f), the Secretary shall submit to  
22 Congress a report on the results of the program, including  
23 the feasibility of developing and providing periodic accessi-  
24 bility data sets for all States, regions, and localities.

1       (j) *FUNDING.*—*The Secretary shall carry out the pilot*  
2 *program using amounts made available to the Secretary for*  
3 *administrative expenses to carry out programs under the*  
4 *authority of the Secretary.*

5       (k) *SUNSET.*—*The pilot program shall terminate on*  
6 *the date that is 8 years after the date on which the pilot*  
7 *program is implemented.*

8 **SEC. 1205. PRIORITIZATION PROCESS PILOT PROGRAM.**

9       (a) *DEFINITIONS.*—*In this section:*

10           (1) *ELIGIBLE ENTITY.*—*The term “eligible enti-*  
11 *ty” means—*

12                   (A) *a metropolitan planning organization*  
13 *that serves an area with a population of over*  
14 *200,000; and*

15                   (B) *a State.*

16           (2) *METROPOLITAN PLANNING ORGANIZATION.*—  
17 *The term “metropolitan planning organization” has*  
18 *the meaning given the term in section 134(b) of title*  
19 *23, United States Code.*

20           (3) *PRIORITIZATION PROCESS PILOT PRO-*  
21 *GRAM.*—*The term “prioritization process pilot pro-*  
22 *gram” means the pilot program established under*  
23 *subsection (b)(1).*

24       (b) *ESTABLISHMENT.*—

1           (1) *IN GENERAL.*—*The Secretary shall establish,*  
2           *and solicit applications for a prioritization process*  
3           *pilot program.*

4           (2) *PURPOSE.*—*The purpose of the prioritization*  
5           *process pilot program shall be to support data-driven*  
6           *approaches to planning that, on completion, can be*  
7           *evaluated for public benefit.*

8           (c) *PILOT PROGRAM ADMINISTRATION.*—

9           (1) *IN GENERAL.*—*An eligible entity partici-*  
10          *parting in the prioritization process pilot program*  
11          *shall—*

12                 (A) *use priority objectives that are devel-*  
13                 *oped—*

14                         (i) *in the case of an urbanized area*  
15                         *with a population of over 200,000, by the*  
16                         *metropolitan planning organization that*  
17                         *serves the area, in consultation with the*  
18                         *State;*

19                         (ii) *in the case of an urbanized area*  
20                         *with a population of 200,000 or fewer, by*  
21                         *the State in consultation with all metropoli-*  
22                         *tan planning organizations in the State;*  
23                         *and*

24                         (iii) *through a public process that pro-*  
25                         *vides an opportunity for public input;*

1           (B) assess and score projects and strategies  
2           on the basis of—

3                   (i) the contribution and benefits of the  
4                   project or strategy to each priority objective  
5                   developed under subparagraph (A);

6                   (ii) the cost of the project or strategy  
7                   relative to the contribution and benefits as-  
8                   sessed and scored under clause (i); and

9                   (iii) public support;

10           (C) use the scores assigned under subpara-  
11           graph (B) to guide project selection in the devel-  
12           opment of the transportation plan and transpor-  
13           tation improvement program; and

14           (D) ensure that the public—

15                   (i) has opportunities to provide public  
16                   comment on projects before decisions are  
17                   made on the transportation plan and the  
18                   transportation improvement program; and

19                   (ii) has access to clear reasons why  
20                   each project or strategy was selected or not  
21                   selected.

22           (2) REQUIREMENTS.—An eligible entity that re-  
23           ceives a grant under the prioritization process pilot  
24           program shall use the funds as described in each of  
25           the following, as applicable:

1           (A) *METROPOLITAN TRANSPORTATION PLAN-*  
2 *NING.—In the case of a metropolitan planning*  
3 *organization that serves an area with a popu-*  
4 *lation of over 200,000, the entity shall—*

5           (i) *develop and implement a publicly*  
6 *accessible, transparent prioritization proc-*  
7 *ess for the selection of projects for inclusion*  
8 *on the transportation plan for the metro-*  
9 *politan planning area under section 134(i)*  
10 *of title 23, United States Code, and section*  
11 *5303(i) of title 49, United States Code,*  
12 *which shall—*

13           (I) *include criteria identified by*  
14 *the metropolitan planning organiza-*  
15 *tion, which may be weighted to reflect*  
16 *the priority objectives developed under*  
17 *paragraph (1)(A), that the metropoli-*  
18 *tan planning organization has deter-*  
19 *mined support—*

20           (aa) *factors described in sec-*  
21 *tion 134(h) of title 23, United*  
22 *States Code, and section 5303(h)*  
23 *of title 49, United States Code;*

24           (bb) *targets for national per-*  
25 *formance measures under section*

1                    *150(b) of title 23, United States*  
2                    *Code;*

3                    *(cc) applicable transpor-*  
4                    *tation goals in the metropolitan*  
5                    *planning area or State set by the*  
6                    *applicable transportation agency;*  
7                    *and*

8                    *(dd) priority objectives devel-*  
9                    *oped under paragraph (1)(A);*

10                    *(II) evaluate the outcomes for each*  
11                    *proposed project on the basis of the*  
12                    *benefits of the proposed project with re-*  
13                    *spect to each of the criteria described*  
14                    *in subclause (I) relative to the cost of*  
15                    *the proposed project; and*

16                    *(III) use the evaluation under*  
17                    *subclause (II) to create a ranked list of*  
18                    *proposed projects; and*

19                    *(ii) with respect to the priority list*  
20                    *under section 134(j)(2)(A) of title 23 and*  
21                    *section 5303(j)(2)(A) of title 49, United*  
22                    *States Code, include projects according to*  
23                    *the rank of the project under clause (i)(III),*  
24                    *except as provided in subparagraph (D).*

1                   (B) STATEWIDE TRANSPORTATION PLAN-  
2                   NING.—In the case of a State, the State shall—

3                   (i) develop and implement a publicly  
4                   accessible, transparent process for the selec-  
5                   tion of projects for inclusion on the long-  
6                   range statewide transportation plan under  
7                   section 135(f) of title 23, United States  
8                   Code, which shall—

9                   (I) include criteria identified by  
10                  the State, which may be weighted to re-  
11                  flect statewide priorities, that the State  
12                  has determined support—

13                  (aa) factors described in sec-  
14                  tion 135(d) of title 23, United  
15                  States Code, and section 5304(d)  
16                  of title 49, United States Code;

17                  (bb) national transportation  
18                  goals under section 150(b) of title  
19                  23, United States Code;

20                  (cc) applicable transpor-  
21                  tation goals in the State; and

22                  (dd) the priority objectives  
23                  developed under paragraph  
24                  (1)(A);

1                   (II) evaluate the outcomes for each  
2                   proposed project on the basis of the  
3                   benefits of the proposed project with re-  
4                   spect to each of the criteria described  
5                   in subclause (I) relative to the cost of  
6                   the proposed project; and

7                   (III) use the evaluation under  
8                   subclause (II) to create a ranked list of  
9                   proposed projects; and

10                  (ii) with respect to the statewide trans-  
11                  portation improvement program under sec-  
12                  tion 135(g) of title 23, United States Code,  
13                  and section 5304(g) of title 49, United  
14                  States Code, include projects according to  
15                  the rank of the project under clause (i)(III),  
16                  except as provided in subparagraph (D).

17                  (C) *ADDITIONAL TRANSPORTATION PLAN-*  
18                  *NING.—If the eligible entity has implemented,*  
19                  *and has in effect, the requirements under sub-*  
20                  *paragraph (A) or (B), as applicable, the eligible*  
21                  *entity may use any remaining funds from a*  
22                  *grant provided under the pilot program for any*  
23                  *transportation planning purpose.*

24                  (D) *EXCEPTIONS TO PRIORITY RANKING.—*  
25                  *In the case of any project that the eligible entity*

1 chooses to include or not include in the transpor-  
2 tation improvement program under section  
3 134(j) of title 23, United States Code, or the  
4 statewide transportation improvement program  
5 under section 135(g) of title 23, United States  
6 Code, as applicable, in a manner that is con-  
7 trary to the priority ranking for that project es-  
8 tablished under subparagraph (A)(i)(III) or  
9 (B)(i)(III), the eligible entity shall make publicly  
10 available an explanation for the decision, includ-  
11 ing—

12 (i) a review of public comments re-  
13 garding the project;

14 (ii) an evaluation of public support for  
15 the project;

16 (iii) an assessment of geographic bal-  
17 ance of projects of the eligible entity; and

18 (iv) the number of projects of the eligi-  
19 ble entity in economically distressed areas.

20 (3) *MAXIMUM AMOUNT.*—The maximum amount  
21 of a grant under the prioritization process pilot pro-  
22 gram is \$2,000,000.

23 (d) *APPLICATIONS.*—To be eligible to participate in  
24 the prioritization process pilot program, an eligible entity  
25 shall submit to the Secretary an application at such time,

1 *in such manner, and containing such information as the*  
 2 *Secretary may require.*

3 **SEC. 1206. EXEMPTIONS FOR LOW POPULATION DENSITY**  
 4 **STATES.**

5 *Section 150 of title 23, United States Code, is amended*  
 6 *by adding at the end the following:*

7 *“(f) EXEMPTIONS FOR LOW POPULATION DENSITY*  
 8 *STATES.—*

9 *“(1) IN GENERAL.—The Secretary shall grant,*  
 10 *on the election of and in consultation with a State,*  
 11 *an exemption from 1 or more of the requirements de-*  
 12 *scribed in paragraph (2)(A) if the State—*

13 *“(A) is on the list of eligible States under*  
 14 *paragraph (5) for the applicable performance pe-*  
 15 *riod; and*

16 *“(B) provides a written notice of the elec-*  
 17 *tion that includes an explanation under para-*  
 18 *graph (4)(A).*

19 *“(2) REQUIREMENTS DESCRIBED.—*

20 *“(A) STATE REQUIREMENTS.—The require-*  
 21 *ments from which a State described in para-*  
 22 *graph (1) may elect an exemption are—*

23 *“(i) requirements established under*  
 24 *subclauses (IV) and (V) of subsection*  
 25 *(c)(3)(A)(ii);*

1           “(ii) requirements established under  
2           subsection (c)(5)(A);

3           “(iii) requirements established under  
4           subsection (c)(6); and

5           “(iv) targeting, data, reporting, or ad-  
6           ministrative requirements established under  
7           subsections (d) and (e) that are related to a  
8           requirement described in clause (i), (ii), or  
9           (iii) from which the State elects to receive  
10          an exemption.

11          “(B) METROPOLITAN PLANNING ORGANIZA-  
12          TION REQUIREMENTS.—A metropolitan planning  
13          organization with a metropolitan planning area  
14          that is located entirely within a State that is ex-  
15          empt shall be exempt from the requirements  
16          under section 134(h)(2)(B) that relate to each  
17          measure described in subparagraph (A) from  
18          which the State of the metropolitan planning or-  
19          ganization is exempt.

20          “(3) TERM.—An exemption applied under para-  
21          graph (1) —

22                 “(A) shall be in effect until the date that is  
23                 4 years after the date on which the performance  
24                 period promulgated by the Secretary under sub-

1           *section (d) in effect at the time the exemption is*  
2           *applied ends; and*

3           *“(B) may be renewed by the State for an*  
4           *additional 4-year term at the end of each per-*  
5           *formance period if, in accordance with para-*  
6           *graph (4)—*

7           *“(i) the State submits another written*  
8           *explanation; and*

9           *“(ii) the State continues to be included*  
10           *on the list of eligible States under para-*  
11           *graph (5).*

12           *“(4) NOTIFICATION OF ELECTION OF EXEMP-*  
13           *TION.—*

14           *“(A) IN GENERAL.—To be eligible to make*  
15           *an election under paragraph (1), not later than*  
16           *September 1 of the calendar year preceding the*  
17           *calendar year in which the next performance pe-*  
18           *riod promulgated by the Secretary under sub-*  
19           *section (d) begins, a State described in that*  
20           *paragraph—*

21           *“(i) shall submit to the Secretary—*

22           *“(I) identification of the 1 or*  
23           *more requirements described in para-*  
24           *graph (2)(A) for which an exemption*  
25           *is elected; and*

1           “(II) a written notice that in-  
2           cludes an explanation advising the  
3           Secretary that the State is not experi-  
4           encing significant performance issues  
5           on the surface transportation system of  
6           the State with respect to each require-  
7           ment referred to in subclause (I); and  
8           “(ii) may submit to the Secretary any  
9           other information or material that the State  
10          chooses to include in the notice.

11          “(B) SPECIAL RULE.—Notwithstanding the  
12          deadline described in subparagraph (A), a State  
13          described in paragraph (1) may submit a notice  
14          under subparagraph (A) at any time before Sep-  
15          tember 1, 2021.

16          “(5) ELIGIBLE STATES.—

17               “(A) IN GENERAL.—Not later than 60 days  
18               after the date of enactment of this subsection and  
19               thereafter, on each September 1 of the calendar  
20               year 2 years prior to the calendar year in which  
21               the next performance period promulgated by the  
22               Secretary under subsection (d) begins, the Sec-  
23               retary shall publish a list of States that may  
24               elect to receive an exemption from a requirement  
25               described in paragraph (2)(A).

1                   “(B) *INCLUSIONS.*—*The Secretary shall in-*  
2                   *clude on the list under subparagraph (A)—*

3                   “(i) *any State that—*

4                   “(I) *has a population per square*  
5                   *mile of area that is less than the popu-*  
6                   *lation per square mile of area of the*  
7                   *United States, based on the latest*  
8                   *available Bureau of the Census data at*  
9                   *the time the Secretary publishes the*  
10                  *list;*

11                  “(II) *does not include an urban-*  
12                  *ized area with a population of over*  
13                  *200,000 within the State; and*

14                  “(III) *has no repeated delays or*  
15                  *other persistent impediments to travel*  
16                  *reliability on the portions of the Na-*  
17                  *tional Highway System in the State*  
18                  *that the Secretary determines to be ex-*  
19                  *cessive; and*

20                  “(ii) *based on the latest available Bu-*  
21                  *reau of the Census data at the time the Sec-*  
22                  *retary publishes the list, any State that—*

23                  “(I) *has a population density of*  
24                  *less than 15 persons per square mile of*  
25                  *area; and*

1                   “(II) does not include an urban-  
2                   ized area with a population of over  
3                   200,000.

4                   “(6) NATIONAL REPORTING.—

5                   “(A) ELIGIBLE STATES.—For each State  
6                   included on the list of eligible States under para-  
7                   graph (5), the Secretary shall submit to the Com-  
8                   mittee on Environment and Public Works of the  
9                   Senate and the Committee on Transportation  
10                  and Infrastructure of the House of Representa-  
11                  tives a report on the status of traffic congestion,  
12                  travel reliability, truck travel reliability, and  
13                  any other relevant performance metrics on the  
14                  portions of the National Highway System in the  
15                  State, including any delays or impediments that  
16                  the Secretary determines to be excessive.

17                  “(B) EXEMPT STATES.—For each eligible  
18                  State under paragraph (5) that elects to receive  
19                  an exemption under paragraph (1), the Sec-  
20                  retary shall—

21                  “(i) submit to the Committee on Envi-  
22                  ronment and Public Works of the Senate  
23                  and the Committee on Transportation and  
24                  Infrastructure of the House of Representa-  
25                  tives a report on the results of performance

1           *measures for all exemptions applied to that*  
 2           *State under this subsection; and*

3                   “(ii) *make publicly available as part of*  
 4           *the State performance dashboard on the De-*  
 5           *partment of Transportation website infor-*  
 6           *mation on the performance of the State with*  
 7           *respect to any requirements from which the*  
 8           *State is exempt.”.*

9   **SEC. 1207. TRAVEL DEMAND DATA AND MODELING.**

10       (a) *DEFINITION OF METROPOLITAN PLANNING ORGA-*  
 11       *NIZATION.—In this section, the term “metropolitan plan-*  
 12       *ning organization” has the meaning given the term in sec-*  
 13       *tion 134(b) of title 23, United States Code.*

14       (b) *STUDY.—*

15           (1) *IN GENERAL.—Not later than 2 years after*  
 16       *the date of enactment of this Act, and not less fre-*  
 17       *quently than once every 5 years thereafter, the Sec-*  
 18       *retary shall carry out a study that—*

19                   (A) *gathers travel data and travel demand*  
 20       *forecasts from a representative sample of States*  
 21       *and metropolitan planning organizations;*

22                   (B) *uses the data and forecasts gathered*  
 23       *under subparagraph (A) to compare travel de-*  
 24       *mand forecasts with the observed data, includ-*  
 25       *ing—*

1                   (i) traffic counts;

2                   (ii) travel mode share and public tran-  
3                   sit ridership; and

4                   (iii) vehicle occupancy measures; and

5                   (C) uses the information described in sub-  
6                   paragraphs (A) and (B)—

7                   (i) to develop best practices or guid-  
8                   ance for States and metropolitan planning  
9                   organizations to use in forecasting travel  
10                  demand for future investments in transpor-  
11                  tation improvements;

12                  (ii) to evaluate the impact of transpor-  
13                  tation investments, including new roadway  
14                  capacity, on travel behavior and travel de-  
15                  mand, including public transportation rid-  
16                  ership, induced highway travel, and conges-  
17                  tion;

18                  (iii) to support more accurate travel  
19                  demand forecasting by States and metro-  
20                  politan planning organizations; and

21                  (iv) to enhance the capacity of States  
22                  and metropolitan planning organizations—

23                               (I) to forecast travel demand; and

24                               (II) to track observed travel be-  
25                               havior responses, including induced

1 *travel, to changes in transportation ca-*  
2 *capacity, pricing, and land use patterns.*

3 (2) *SECRETARIAL SUPPORT.—The Secretary*  
4 *shall seek opportunities to support the transportation*  
5 *planning processes under sections 134 and 135 of title*  
6 *23, United States Code, through the provision of data*  
7 *to States and metropolitan planning organizations to*  
8 *improve the quality of plans, models, and forecasts*  
9 *described in this subsection.*

10 (3) *EVALUATION TOOL.—The Secretary shall de-*  
11 *velop a publicly available multimodal web-based tool*  
12 *for the purpose of enabling States and metropolitan*  
13 *planning organizations to evaluate the effect of invest-*  
14 *ments in highway and public transportation projects*  
15 *on the use and conditions of all transportation assets*  
16 *within the State or area served by the metropolitan*  
17 *planning organization, as applicable.*

18 **SEC. 1208. INCREASING SAFE AND ACCESSIBLE TRANSPOR-**  
19 **TATION OPTIONS.**

20 (a) *DEFINITION OF COMPLETE STREETS STANDARDS*  
21 *OR POLICIES.—In this section, the term “Complete Streets*  
22 *standards or policies” means standards or policies that en-*  
23 *sure the safe and adequate accommodation of all users of*  
24 *the transportation system, including pedestrians, bicyclists,*

1 *public transportation users, children, older individuals, in-*  
2 *dividuals with disabilities, motorists, and freight vehicles.*

3 (b) *FUNDING REQUIREMENT.*—*Notwithstanding any*  
4 *other provision of law, each State and metropolitan plan-*  
5 *ning organization shall use to carry out 1 or more activities*  
6 *described in subsection (c)—*

7 (1) *in the case of a State, not less than 2.5 per-*  
8 *cent of the amounts made available to the State to*  
9 *carry out section 505 of title 23, United States Code;*  
10 *and*

11 (2) *in the case of a metropolitan planning orga-*  
12 *nization, not less than 2.5 percent of the amounts*  
13 *made available to the metropolitan planning organi-*  
14 *zation under section 104(d) of title 23, United States*  
15 *Code.*

16 (c) *ACTIVITIES DESCRIBED.*—*An activity referred to*  
17 *in subsection (b) is an activity to increase safe and acces-*  
18 *sible options for multiple travel modes for people of all ages*  
19 *and abilities, which, if permissible under applicable State*  
20 *and local laws, may include—*

21 (1) *adoption of Complete Streets standards or*  
22 *policies;*

23 (2) *development of a Complete Streets*  
24 *prioritization plan that identifies a specific list of*

1        *Complete Streets projects to improve the safety, mobil-*  
2        *ity, or accessibility of a street;*

3            *(3) development of transportation plans—*

4            *(A) to create a network of active transpor-*  
5            *tation facilities, including sidewalks, bikeways,*  
6            *or pedestrian and bicycle trails, to connect*  
7            *neighborhoods with destinations such as work-*  
8            *places, schools, residences, businesses, recreation*  
9            *areas, healthcare and child care services, or other*  
10           *community activity centers;*

11           *(B) to integrate active transportation facili-*  
12           *ties with public transportation service or im-*  
13           *prove access to public transportation;*

14           *(C) to create multiuse active transportation*  
15           *infrastructure facilities, including bikeways or*  
16           *pedestrian and bicycle trails, that make connec-*  
17           *tions within or between communities;*

18           *(D) to increase public transportation rider-*  
19           *ship; and*

20           *(E) to improve the safety of bicyclists and*  
21           *pedestrians;*

22           *(4) regional and megaregional planning to ad-*  
23           *dress travel demand and capacity constraints through*  
24           *alternatives to new highway capacity, including*  
25           *through intercity passenger rail; and*

1           (5) development of transportation plans and  
2           policies that support transit-oriented development.

3           (d) *FEDERAL SHARE*.—The Federal share of the cost  
4 of an activity carried out under this section shall be 100  
5 percent.

6           ***Subtitle C—Project Delivery and***  
7           ***Process Improvement***

8 ***SEC. 1301. EFFICIENT ENVIRONMENTAL REVIEWS FOR***  
9           ***PROJECT DECISIONMAKING AND ONE FED-***  
10           ***ERAL DECISION.***

11           (a) *IN GENERAL*.—Section 139 of title 23, United  
12 States Code, is amended—

13           (1) in the section heading, by striking “**deci-**  
14           **sionmaking**” and inserting “**decisionmaking**  
15           **and One Federal Decision**”;

16           (2) in subsection (a)—

17           (A) by redesignating paragraphs (2)  
18           through (8) as paragraphs (4), (5), (6), (8), (9),  
19           (10), and (11), respectively;

20           (B) by inserting after paragraph (1) the fol-  
21           lowing:

22           “(2) *AUTHORIZATION*.—The term ‘authorization’  
23           means any environmental license, permit, approval,  
24           finding, or other administrative decision related to  
25           the environmental review process that is required

1        *under Federal law to site, construct, or reconstruct a*  
2        *project.*

3            “(3) *ENVIRONMENTAL DOCUMENT.*—*The term*  
4        *‘environmental document’ includes an environmental*  
5        *assessment, finding of no significant impact, notice of*  
6        *intent, environmental impact statement, or record of*  
7        *decision under the National Environmental Policy*  
8        *Act of 1969 (42 U.S.C. 4321 et seq.).”;*

9            (C) *in subparagraph (B) of paragraph (5)*  
10        *(as so redesignated), by striking “process for and*  
11        *completion of any environmental permit” and*  
12        *inserting “process and schedule, including a*  
13        *timetable for and completion of any environ-*  
14        *mental permit”;* and

15            (D) *by inserting after paragraph (6) (as so*  
16        *redesignated) the following:*

17        “(7) *MAJOR PROJECT.*—

18            “(A) *IN GENERAL.*—*The term ‘major*  
19        *project’ means a project for which—*

20            “(i) *multiple permits, approvals, re-*  
21        *views, or studies are required under a Fed-*  
22        *eral law other than the National Environ-*  
23        *mental Policy Act of 1969 (42 U.S.C. 4321*  
24        *et seq.);*

1           “(ii) the project sponsor has identified  
2           the reasonable availability of funds suffi-  
3           cient to complete the project;

4           “(iii) the project is not a covered  
5           project (as defined in section 41001 of the  
6           FAST Act (42 U.S.C. 4370m)); and

7           “(iv)(I) the head of the lead agency has  
8           determined that an environmental impact  
9           statement is required; or

10           “(II) the head of the lead agency has  
11           determined that an environmental assess-  
12           ment is required, and the project sponsor re-  
13           quests that the project be treated as a major  
14           project.

15           “(B) CLARIFICATION.—In this section, the  
16           term ‘major project’ does not have the same  
17           meaning as the term ‘major project’ as described  
18           in section 106(h).”;

19           (3) in subsection (b)(1)—

20           (A) by inserting “, including major  
21           projects,” after “all projects”; and

22           (B) by inserting “as requested by a project  
23           sponsor and” after “applied,”;

24           (4) in subsection (c)—

25           (A) in paragraph (6)—

1           (i) in subparagraph (B), by striking  
2           “and” at the end;

3           (ii) in subparagraph (C), by striking  
4           the period at the end and inserting “; and”;  
5           and

6           (iii) by adding at the end the fol-  
7           lowing:

8           “(D) to calculate annually the average time  
9           taken by the lead agency to complete all environ-  
10          mental documents for each project during the  
11          previous fiscal year”; and

12          (B) by adding at the end the following:

13          “(7) *PROCESS IMPROVEMENTS FOR PROJECTS.*—

14          “(A) *IN GENERAL.*—The Secretary shall re-  
15          view—

16               “(i) existing practices, procedures,  
17               rules, regulations, and applicable laws to  
18               identify impediments to meeting the re-  
19               quirements applicable to projects under this  
20               section; and

21               “(ii) best practices, programmatic  
22               agreements, and potential changes to inter-  
23               nal departmental procedures that would fa-  
24               cilitate an efficient environmental review  
25               process for projects.

1           “(B) *CONSULTATION.*—*In conducting the*  
2 *review under subparagraph (A), the Secretary*  
3 *shall consult, as appropriate, with the heads of*  
4 *other Federal agencies that participate in the en-*  
5 *vironmental review process.*

6           “(C) *REPORT.*—*Not later than 2 years after*  
7 *the date of enactment of the America’s Transpor-*  
8 *tation Infrastructure Act of 2019, the Secretary*  
9 *shall submit to the Committee on Environment*  
10 *and Public Works of the Senate and the Com-*  
11 *mittee on Transportation and Infrastructure of*  
12 *the House of Representatives a report that in-*  
13 *cludes—*

14                   “(i) *the results of the review under sub-*  
15 *paragraph (A); and*

16                   “(ii) *an analysis of whether additional*  
17 *funding would help the Secretary meet the*  
18 *requirements applicable to projects under*  
19 *this section.”;*

20           (5) *in subsection (d)—*

21                   (A) *in paragraph (8)—*

22                           (i) *in the paragraph heading, by strik-*  
23 *ing “NEPA” and inserting “ENVIRON-*  
24 *MENTAL”;*

25                           (ii) *in subparagraph (A)—*

1           (I) by inserting “and except as  
2           provided in subparagraph (D)” after  
3           “paragraph (7)”;

4           (II) by striking “permits” and in-  
5           serting “authorizations”; and

6           (III) by striking “single environ-  
7           ment document” and inserting “single  
8           environmental document for each kind  
9           of environmental document”;

10          (iii) in subparagraph (B)(i)—

11           (I) by striking “an environmental  
12           document” and inserting “environ-  
13           mental documents”; and

14           (II) by striking “permits issued”  
15           and inserting “authorizations”; and

16          (iv) by adding at the end the following:

17           “(D) EXCEPTIONS.—The lead agency may  
18           waive the application of subparagraph (A) with  
19           respect to a project if—

20           “(i) the project sponsor requests that  
21           agencies issue separate environmental docu-  
22           ments;

23           “(ii) the obligations of a cooperating  
24           agency or participating agency under the  
25           National Environmental Policy Act of 1969

1           (42 U.S.C. 4321 et seq.) have already been  
2           satisfied with respect to the project; or

3           “(iii) the lead agency determines that  
4           reliance on a single environmental docu-  
5           ment (as described in subparagraph (A))  
6           would not facilitate timely completion of the  
7           environmental review process for the  
8           project.”; and

9           (B) by adding at the end the following:

10           “(10) *TIMELY AUTHORIZATIONS FOR MAJOR*  
11           *PROJECTS.—*

12           “(A) *DEADLINE.—*Except as provided in  
13           subparagraph (C), all authorization decisions  
14           necessary for the construction of a major project  
15           shall be completed by not later than 90 days  
16           after the date of the issuance of a record of deci-  
17           sion for the major project.

18           “(B) *DETAIL.—*The final environmental  
19           impact statement for a major project shall in-  
20           clude an adequate level of detail to inform deci-  
21           sions necessary for the role of the participating  
22           agencies in the environmental review process.

23           “(C) *EXTENSION OF DEADLINE.—*The head  
24           of the lead agency may extend the deadline under  
25           subparagraph (A) if—

1           “(i) Federal law prohibits the lead  
2           agency or another agency from issuing an  
3           approval or permit within the period de-  
4           scribed in that subparagraph;

5           “(ii) the project sponsor requests that  
6           the permit or approval follow a different  
7           timeline; or

8           “(iii) an extension would facilitate  
9           completion of the environmental review and  
10          authorization process of the major project.”;

11          (6) in subsection (g)(1)—

12           (A) in subparagraph (B)—

13           (i) in clause (ii)(IV), by striking  
14           “schedule for and cost of” and inserting  
15           “time required by an agency to conduct an  
16           environmental review and make decisions  
17           under applicable Federal law relating to a  
18           project (including the issuance or denial of  
19           a permit or license) and the cost of”; and

20           (ii) by adding at the end the following:

21           “(iii) MAJOR PROJECT SCHEDULE.—  
22           To the maximum extent practicable and  
23           consistent with applicable Federal law, in  
24           the case of a major project, the lead agency  
25           shall develop, in concurrence with the

1           *project sponsor, a schedule for the major*  
 2           *project that is consistent with an agency av-*  
 3           *erage of not more than 2 years for the com-*  
 4           *pletion of the environmental review process*  
 5           *for major projects, as measured from, as ap-*  
 6           *plicable—*

7                   “(I) *the date of publication of a*  
 8                   *notice of intent to prepare an environ-*  
 9                   *mental impact statement to the record*  
 10                   *of decision; or*

11                   “(II) *the date on which the head*  
 12                   *of the lead agency determines that an*  
 13                   *environmental assessment is required*  
 14                   *to a finding of no significant impact.”;*

15           *(B) by striking subparagraph (D) and in-*  
 16           *serting the following:*

17                   “(D) *MODIFICATION.—*

18                   “(i) *IN GENERAL.—Except as provided*  
 19                   *in clause (ii), the lead agency may lengthen*  
 20                   *or shorten a schedule established under sub-*  
 21                   *paragraph (B) for good cause.*

22                   “(ii) *EXCEPTIONS.—*

23                   “(I) *MAJOR PROJECTS.—In the*  
 24                   *case of a major project, the lead agency*  
 25                   *may lengthen a schedule under clause*

1           *(i) for a cooperating Federal agency by*  
2           *not more than 1 year after the latest*  
3           *deadline established for the major*  
4           *project by the lead agency.*

5           “(II) *SHORTENED SCHEDULES.—*

6           *The lead agency may not shorten a*  
7           *schedule under clause (i) if doing so*  
8           *would impair the ability of a cooper-*  
9           *ating Federal agency to conduct nec-*  
10           *essary analyses or otherwise carry out*  
11           *relevant obligations of the Federal*  
12           *agency for the project.”;*

13           *(C) by redesignating subparagraph (E) as*  
14           *subparagraph (F); and*

15           *(D) by inserting after subparagraph (D) the*  
16           *following:*

17           “(E) *FAILURE TO MEET DEADLINE.—If a*  
18           *cooperating Federal agency fails to meet a dead-*  
19           *line established under subparagraph (D)(i)(I)—*

20           *“(i) the cooperating Federal agency*  
21           *shall submit to the Secretary a report that*  
22           *describes the reasons why the deadline was*  
23           *not met; and*

24           *“(ii) the Secretary shall—*

1                   “(I) transmit to the Committee on  
2                   *Environment and Public Works of the*  
3                   *Senate and the Committee on Trans-*  
4                   *portation and Infrastructure of the*  
5                   *House of Representatives a copy of the*  
6                   *report under clause (i); and*

7                   “(II) make the report under clause  
8                   *(i) publicly available on the internet.”;*  
9                   *and*

10                   (7) by adding at the end the following:

11                   “(p) *ACCOUNTABILITY AND REPORTING FOR MAJOR*  
12                   *PROJECTS.—*

13                   “(1) *IN GENERAL.—The Secretary shall establish*  
14                   *a performance accountability system to track each*  
15                   *major project.*

16                   “(2) *REQUIREMENTS.—The performance ac-*  
17                   *countability system under paragraph (1) shall, for*  
18                   *each major project, track, at a minimum—*

19                   “(A) *the environmental review process for*  
20                   *the major project, including the project schedule;*

21                   “(B) *whether the lead agency, cooperating*  
22                   *agencies, and participating agencies are meeting*  
23                   *the schedule established for the environmental re-*  
24                   *view process; and*

1           “(C) *the time taken to complete the environ-*  
2           *mental review process.*

3           “(q) *DEVELOPMENT OF CATEGORICAL EXCLUSIONS.—*

4           “(1) *IN GENERAL.—Not later than 60 days after*  
5           *the date of enactment of this subsection, the Secretary*  
6           *shall—*

7           “(A) *in consultation with the agencies de-*  
8           *scribed in paragraph (2), identify the categorical*  
9           *exclusions described in section 771.117 of title*  
10          *23, Code of Federal Regulations (or successor*  
11          *regulations), that would accelerate delivery of a*  
12          *project if those categorical exclusions were avail-*  
13          *able to those agencies;*

14          “(B) *collect existing documentation and*  
15          *substantiating information on the categorical ex-*  
16          *clusions described in subparagraph (A); and*

17          “(C) *provide to each agency described in*  
18          *paragraph (2) a list of the categorical exclusions*  
19          *identified under subparagraph (A) and the docu-*  
20          *mentation and substantiating information under*  
21          *subparagraph (B).*

22          “(2) *AGENCIES DESCRIBED.—The agencies re-*  
23          *ferred to in paragraph (1) are—*

24                 “(A) *the Department of the Interior;*

25                 “(B) *the Department of the Army;*

1           “(C) *the Department of Commerce;*

2           “(D) *the Department of Agriculture;*

3           “(E) *the Department of Energy;*

4           “(F) *the Department of Defense; and*

5           “(G) *any other Federal agency that has*  
6 *participated in an environmental review process*  
7 *for a project, as determined by the Secretary.*

8           “(3) *ADOPTION OF CATEGORICAL EXCLUSIONS.—*

9           “(A) *IN GENERAL.—Not later than 1 year*  
10 *after the date on which the Secretary provides*  
11 *the list under paragraph (1)(C), an agency de-*  
12 *scribed in paragraph (2) shall publish a notice*  
13 *of proposed rulemaking to propose any categor-*  
14 *ical exclusions from the list applicable to the*  
15 *agency, subject to the condition that the categor-*  
16 *ical exclusion identified under paragraph (1)(A)*  
17 *meets the criteria for a categorical exclusion*  
18 *under section 1508.4 of title 40, Code of Federal*  
19 *Regulations (or successor regulations).*

20           “(B) *PUBLIC COMMENT.—In a notice of*  
21 *proposed rulemaking under subparagraph (A),*  
22 *the applicable agency may solicit comments on*  
23 *whether any of the proposed new categorical ex-*  
24 *clusions meet the criteria for a categorical exclu-*

1            *sion under section 1508.4 of title 40, Code of*  
 2            *Federal Regulations (or successor regulations).”.*

3            (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
 4 *1 of title 23, United States Code, is amended by striking*  
 5 *the item relating to section 139 and inserting the following:*

*“139. Efficient environmental reviews for project decisionmaking and One Federal Decision.”.*

6    **SEC. 1302. WORK ZONE PROCESS REVIEWS.**

7            *The Secretary shall amend section 630.1008(e) of title*  
 8 *23, Code of Federal Regulations, to ensure that the work*  
 9 *zone process review under that subsection is required not*  
 10 *more frequently than once every 5 years.*

11    **SEC. 1303. TRANSPORTATION MANAGEMENT PLANS.**

12            (a) *IN GENERAL.*—*The Secretary shall amend section*  
 13 *630.1010(c) of title 23, Code of Federal Regulations, to en-*  
 14 *sure that only a project described in that subsection with*  
 15 *a lane closure for 3 or more consecutive days shall be con-*  
 16 *sidered to be a significant project for purposes of that sec-*  
 17 *tion.*

18            (b) *NON-INTERSTATE PROJECTS.*—*Notwithstanding*  
 19 *any other provision of law, a State shall not be required*  
 20 *to develop or implement a transportation management plan*  
 21 *(as described in section 630.1012 of title 23, Code of Federal*  
 22 *Regulations (or successor regulations)) for a highway*  
 23 *project not on the Interstate System if the project requires*  
 24 *not more than 3 consecutive days of lane closures.*

1 **SEC. 1304. INTELLIGENT TRANSPORTATION SYSTEMS.**

2 (a) *IN GENERAL.*—*The Secretary shall develop guid-*  
3 *ance for using existing flexibilities with respect to the sys-*  
4 *tems engineering analysis described in part 940 of title 23,*  
5 *Code of Federal Regulations (or successor regulations).*

6 (b) *IMPLEMENTATION.*—*The Secretary shall ensure*  
7 *that any guidance developed under subsection (a)—*

8 (1) *clearly identifies criteria for low-risk and ex-*  
9 *empt intelligent transportation systems projects, with*  
10 *a goal of minimizing unnecessary delay or paperwork*  
11 *burden;*

12 (2) *is consistently implemented by the Depart-*  
13 *ment nationwide; and*

14 (3) *is disseminated to Federal-aid recipients.*

15 (c) *SAVINGS PROVISION.*—*Nothing in this section pre-*  
16 *vents the Secretary from amending part 940 of title 23,*  
17 *Code of Federal Regulations (or successor regulations), to*  
18 *reduce State administrative burdens.*

19 **SEC. 1305. ALTERNATIVE CONTRACTING METHODS.**

20 (a) *ALTERNATIVE CONTRACTING METHODS FOR FED-*  
21 *ERAL LAND MANAGEMENT AGENCIES AND TRIBAL GOVERN-*  
22 *MENTS.*—*Section 201 of title 23, United States Code, is*  
23 *amended by adding at the end the following:*

24 “(f) *ALTERNATIVE CONTRACTING METHODS.*—

25 “(1) *IN GENERAL.*—*Notwithstanding any other*  
26 *provision of law (including the Federal Acquisition*

1       *Regulation), a contracting method available to a*  
2       *State under this title may be used by the Secretary,*  
3       *on behalf of—*

4               “(A) a Federal land management agency,  
5               *in using any funds pursuant to sections 203,*  
6               *204, or 308;*

7               “(B) a Federal land management agency,  
8               *in using any funds pursuant to section 1535 of*  
9               *title 31 for any of the eligible uses described in*  
10              *sections 203(a)(1) and 204(a)(1) and paragraphs*  
11              *(1) and (2) of section 308(a); or*

12              “(C) a Tribal government, in using funds  
13              *pursuant to section 202(b)(7)(D).*

14              “(2) *METHODS DESCRIBED.—The contracting*  
15              *methods referred to in paragraph (1) shall include, at*  
16              *a minimum—*

17                      “(A) *project bundling;*

18                      “(B) *bridge bundling;*

19                      “(C) *design-build contracting;*

20                      “(D) *2-phase contracting;*

21                      “(E) *long-term concession agreements; and*

22                      “(F) *any method tested, or that could be*  
23                      *tested, under an experimental program relating*  
24                      *to contracting methods carried out by the Sec-*  
25                      *retary.*

1           “(3) *EFFECT.*—*Nothing in this subsection—*

2                   “(A) *affects the application of the Federal*  
3                   *share for the project carried out with a con-*  
4                   *tracting method under this subsection; or*

5                   “(B) *modifies the point of obligation of Fed-*  
6                   *eral salaries and expenses.*”.

7           (b) *COOPERATION WITH FEDERAL AND STATE AGEN-*  
8           *CIES AND FOREIGN COUNTRIES.*—*Section 308(a) of title 23,*  
9           *United States Code, is amended by adding at the end the*  
10           *following:*

11                   “(4) *ALTERNATIVE CONTRACTING METHODS.*—

12                           “(A) *IN GENERAL.*—*Notwithstanding any*  
13                           *other provision of law (including the Federal Ac-*  
14                           *quisition Regulation), in performing services*  
15                           *under paragraph (1), the Secretary may use any*  
16                           *contracting method available to a State under*  
17                           *this title.*

18                           “(B) *METHODS DESCRIBED.*—*The con-*  
19                           *tracting methods referred to in subparagraph (A)*  
20                           *shall include, at a minimum—*

21                                   “(i) *project bundling;*

22                                   “(ii) *bridge bundling;*

23                                   “(iii) *design-build contracting;*

24                                   “(iv) *2-phase contracting;*

1                   “(v) long-term concession agreements;  
2                   and  
3                   “(vi) any method tested, or that could  
4                   be tested, under an experimental program  
5                   relating to contracting methods carried out  
6                   by the Secretary.”.

7           (c) *USE OF ALTERNATIVE CONTRACTING METHODS.*—  
8 *In carrying out an alternative contracting method under*  
9 *section 201(f) or 308(a)(4) of title 23, United States Code,*  
10 *the Secretary shall—*

11                   (1) *in consultation with the applicable Federal*  
12 *land management agencies, establish clear procedures*  
13 *that are—*

14                           (A) *applicable to the alternative contracting*  
15 *method; and*

16                           (B) *to the maximum extent practicable,*  
17 *consistent with the requirements applicable to*  
18 *Federal procurement transactions;*

19                   (2) *solicit input on the use of the alternative con-*  
20 *tracting method from the affected industry prior to*  
21 *using the method; and*

22                   (3) *analyze and prepare an evaluation of the use*  
23 *of the alternative contracting method.*

1 **SEC. 1306. FLEXIBILITY FOR PROJECTS.**

2 *Section 1420 of the FAST Act (23 U.S.C. 101 note;*  
3 *Public Law 114–94) is amended—*

4 *(1) in subsection (a), by striking “and on request*  
5 *by a State, the Secretary may” in the matter pre-*  
6 *ceding paragraph (1) and all that follows through the*  
7 *period at the end of paragraph (2) and inserting the*  
8 *following: “, on request by a State, and if in the pub-*  
9 *lic interest (as determined by the Secretary), the Sec-*  
10 *retary shall exercise all existing flexibilities under—*

11 *“(1) the requirements of title 23, United States*  
12 *Code; and*

13 *“(2) other requirements administered by the Sec-*  
14 *retary, in whole or in part.”; and*

15 *(2) in subsection (b)(2)(A), by inserting “(in-*  
16 *cluding regulations)” after “environmental law”.*

17 **SEC. 1307. IMPROVED FEDERAL-STATE STEWARDSHIP AND**  
18 **OVERSIGHT AGREEMENTS.**

19 *(a) DEFINITION OF TEMPLATE.—In this section, the*  
20 *term “template” means a template created by the Secretary*  
21 *for Federal-State stewardship and oversight agreements*  
22 *that—*

23 *(1) includes all standard terms found in stew-*  
24 *ardship and oversight agreements, including any*  
25 *terms in an attachment to the agreement;*

1           (2) *is developed in accordance with section 106*  
2 *of title 23, United States Code, or any other applica-*  
3 *ble authority; and*

4           (3) *may be developed with consideration of rel-*  
5 *evant regulations, guidance, or policies.*

6       (b) *REQUEST FOR COMMENT.—*

7           (1) *IN GENERAL.—Not later than 60 days after*  
8 *the date of enactment of this Act, the Secretary shall*  
9 *publish in the Federal Register the template and a*  
10 *notice requesting public comment on ways to improve*  
11 *the template.*

12           (2) *COMMENT PERIOD.—The Secretary shall pro-*  
13 *vide a period of not less than 60 days for public com-*  
14 *ment on the notice under paragraph (1).*

15           (3) *CERTAIN ISSUES.—The notice under para-*  
16 *graph (1) shall allow comment on any aspect of the*  
17 *template and shall specifically request public com-*  
18 *ment on—*

19           (A) *whether the template should be revised*  
20 *to delete standard terms requiring approval by*  
21 *the Secretary of the policies, procedures, proc-*  
22 *esses, or manuals of the States, or other State ac-*  
23 *tions, if Federal law (including regulations) does*  
24 *not specifically require an approval;*

1           (B) opportunities to modify the template to  
2           allow adjustments to the review schedules for  
3           State practices or actions, including through  
4           risk-based approaches, program reviews, process  
5           reviews, or other means; and

6           (C) any other matters that the Secretary de-  
7           termines to be appropriate.

8           (c) NOTICE OF ACTION; UPDATES.—

9           (1) IN GENERAL.—Not later than 1 year after  
10          the date of enactment of this Act, after considering the  
11          comments received in response to the Federal Register  
12          notice under subsection (b), the Secretary shall pub-  
13          lish in the Federal Register a notice that—

14               (A) describes any proposed changes to be  
15               made, and any alternatives to such changes, to  
16               the template;

17               (B) addresses comments in response to  
18               which changes were not made to the template;  
19               and

20               (C) prescribes a schedule and a plan to exe-  
21               cute a process for implementing the changes re-  
22               ferred to in subparagraph (A).

23           (2) APPROVAL REQUIREMENTS.—In addressing  
24          comments under paragraph (1)(B), the Secretary  
25          shall include an explanation of the basis for retaining

1        *any requirement for approval of State policies, proce-*  
2        *dures, processes, or manuals, or other State actions,*  
3        *if Federal law (including regulations) does not spe-*  
4        *cifically require the approval.*

5            (3) *IMPLEMENTATION.—*

6            (A) *IN GENERAL.—Not later than 60 days*  
7            *after the date on which the notice under para-*  
8            *graph (1) is published, the Secretary shall make*  
9            *changes to the template in accordance with—*

10            (i) *the changes described in the notice*  
11            *under paragraph (1)(A); and*

12            (ii) *the schedule and plan described in*  
13            *the notice under paragraph (1)(C).*

14            (B) *UPDATES.—Not later than 1 year after*  
15            *the date on which the revised template under*  
16            *subparagraph (A) is published, the Secretary*  
17            *shall update existing agreements with States ac-*  
18            *cording to the template updated under subpara-*  
19            *graph (A).*

20            (d) *INCLUSION OF NON-STANDARD TERMS.—Nothing*  
21            *in this section precludes the inclusion in a Federal-State*  
22            *stewardship and oversight agreement of non-standard terms*  
23            *to address a State-specific matter, including risk-based*  
24            *stewardship and Department oversight involvement in indi-*  
25            *vidual projects of division interest.*

1       (e) *COMPLIANCE WITH NON-STATUTORY TERMS.*—

2           (1) *IN GENERAL.*—*The Secretary shall not en-*  
 3 *force or otherwise require a State to comply with ap-*  
 4 *proval requirements that are not required by Federal*  
 5 *law (including regulations) in a Federal-State stew-*  
 6 *ardship and oversight agreement.*

7           (2) *APPROVAL AUTHORITY.*—*Notwithstanding*  
 8 *any other provision of law, the Secretary shall not as-*  
 9 *sert approval authority over any matter in a Federal-*  
 10 *State stewardship and oversight agreement reserved to*  
 11 *States.*

12       (f) *FREQUENCY OF REVIEWS.*—*Section 106(g)(3) of*  
 13 *title 23, United States Code, is amended—*

14           (1) *by striking “annual”;*

15           (2) *by striking “The Secretary” and inserting*  
 16 *the following:*

17                   “(A) *IN GENERAL.*—*The Secretary”;* and

18           (3) *by adding at the end the following:*

19                   “(B) *FREQUENCY.*—

20                           “(i) *IN GENERAL.*—*Except as provided*  
 21 *in clauses (ii) and (iii), the Secretary shall*  
 22 *carry out a review under subparagraph (A)*  
 23 *not less frequently than once every 2 years.*

24                           “(ii) *CONSULTATION WITH STATE.*—  
 25 *The Secretary, after consultation with a*

1           *State, may make a determination to carry*  
2           *out a review under subparagraph (A) for*  
3           *that State less frequently than provided*  
4           *under clause (i).*

5           “(iii) CAUSE.—*If the Secretary deter-*  
6           *mines that there is a specific reason to re-*  
7           *quire a review more frequently than pro-*  
8           *vided under clause (i) with respect to a*  
9           *State, the Secretary may carry out a review*  
10          *more frequently than provided under that*  
11          *clause.”.*

12 **SEC. 1308. GEOMATIC DATA.**

13          (a) *IN GENERAL.*—*The Secretary shall develop guid-*  
14          *ance for the acceptance and use of information obtained*  
15          *from a non-Federal entity through geomatic techniques, in-*  
16          *cluding remote sensing and land surveying, cartography,*  
17          *geographic information systems, global navigation satellite*  
18          *systems, photogrammetry, or other remote means.*

19          (b) *CONSIDERATIONS.*—*In carrying out this section,*  
20          *the Secretary shall ensure that acceptance or use of infor-*  
21          *mation described in subsection (a) meets the data quality*  
22          *and operational requirements of the Secretary.*

23          (c) *PUBLIC COMMENT.*—*Before issuing any final guid-*  
24          *ance under subsection (a), the Secretary shall provide to*  
25          *the public—*

- 1           (1) *notice of the proposed guidance; and*  
 2           (2) *an opportunity to comment on the proposed*  
 3 *guidance.*

4           (d) *SAVINGS CLAUSE.—Nothing in this section—*

5                 (1) *requires the Secretary to accept or use infor-*  
 6 *mation that the Secretary determines does not meet*  
 7 *the guidance developed under this section; or*

8                 (2) *changes the current statutory or regulatory*  
 9 *requirements of the Department.*

10 **SEC. 1309. EVALUATION OF PROJECTS WITHIN AN OPER-**  
 11 **ATIONAL RIGHT-OF-WAY.**

12           (a) *IN GENERAL.—Chapter 3 of title 23, United States*  
 13 *Code, is amended by adding at the end the following:*

14 **“§ 331. Evaluation of projects within an operational**  
 15 **right-of-way**

16           “(a) *DEFINITIONS.—*

17                 “(1) *ELIGIBLE PROJECT OR ACTIVITY.—*

18                         “(A) *IN GENERAL.—In this section, the*  
 19 *term ‘eligible project or activity’ means a project*  
 20 *or activity within an existing operational right-*  
 21 *of-way (as defined in section 771.117(c)(22) of*  
 22 *title 23, Code of Federal Regulations (or suc-*  
 23 *cessor regulations))—*

24                                 “(i)(I) *eligible for assistance under this*  
 25 *title; or*

1           “(II) administered as if made avail-  
2           able under this title;

3           “(ii) that is—

4                 “(I) a preventive maintenance,  
5                 preservation, or highway safety im-  
6                 provement project (as defined in sec-  
7                 tion 148(a)); or

8                 “(II) a new turn lane that the  
9                 State advises in writing to the Sec-  
10                retary would assist public safety; and

11           “(iii) that—

12                 “(I) is classified as a categorical  
13                 exclusion under section 771.117 of title  
14                 23, Code of Federal Regulations (or  
15                 successor regulations); or

16                 “(II) if the project or activity does  
17                 not receive assistance described in  
18                 clause (i) would be considered a cat-  
19                 egorical exclusion if the project or ac-  
20                 tivity received assistance described in  
21                 clause (i).

22           “(B) EXCLUSION.—The term ‘eligible  
23           project or activity’ does not include a project to  
24           create a new travel lane.

1           “(2) *PRELIMINARY EVALUATION.*—*The term ‘pre-*  
2           *liminary evaluation’, with respect to an application*  
3           *described in subsection (b)(1), means an evaluation*  
4           *that is customary or practicable for the relevant agen-*  
5           *cy to complete within a 45-day period for similar ap-*  
6           *plications.*

7           “(3) *RELEVANT AGENCY.*—*The term ‘relevant*  
8           *agency’ means a Federal agency, other than the Fed-*  
9           *eral Highway Administration, with responsibility for*  
10           *review of an application from a State for a permit,*  
11           *approval, or jurisdictional determination for an eligi-*  
12           *ble project or activity.*

13           “(b) *ACTION REQUIRED.*—

14           “(1) *IN GENERAL.*—*Subject to paragraph (2),*  
15           *not later than 45 days after the date of receipt of an*  
16           *application by a State for a permit, approval, or ju-*  
17           *risdictional determination for an eligible project or*  
18           *activity, the head of the relevant agency shall—*

19                   “(A) *make at least a preliminary evalua-*  
20                   *tion of the application; and*

21                   “(B) *notify the State of the results of the*  
22                   *preliminary evaluation under subparagraph (A).*

23           “(2) *EXTENSION.*—*The head of the relevant*  
24           *agency may extend the review period under para-*  
25           *graph (1) by not more than 30 days if the head of*

1        *the relevant agency provides to the State written no-*  
 2        *tice that includes an explanation of the need for the*  
 3        *extension.*

4                *“(3) FAILURE TO ACT.—If the head of the rel-*  
 5        *evant agency fails to meet a deadline under para-*  
 6        *graph (1) or (2), as applicable, the head of the rel-*  
 7        *evant agency shall—*

8                        *“(A) not later than 30 days after the date*  
 9                        *of the missed deadline, submit to the State, the*  
 10                        *Committee on Environment and Public Works of*  
 11                        *the Senate, and the Committee on Transpor-*  
 12                        *tation and Infrastructure of the House of Rep-*  
 13                        *resentatives a report that describes why the dead-*  
 14                        *line was missed; and*

15                        *“(B) not later than 14 days after the date*  
 16                        *on which a report is submitted under subpara-*  
 17                        *graph (A), make publicly available, including on*  
 18                        *the internet, a copy of that report.”.*

19        *(b) CLERICAL AMENDMENT.—The analysis for chapter*  
 20        *3 of title 23, United States Code, is amended by adding*  
 21        *at the end the following:*

*“331. Evaluation of projects within an operational right-of-way.”.*

22        **SEC. 1310. DEPARTMENT OF TRANSPORTATION REPORTS.**

23                *(a) IN GENERAL.—Chapter 3 of title 23, United States*  
 24        *Code (as amended by section 1309(a)), is amended by add-*  
 25        *ing at the end the following:*

1 **“§ 332. Department of Transportation reports**

2       “(a) *DEFINITION OF DASHBOARD.*—*In this section, the*  
3 *term ‘Dashboard’ has the meaning given the term in section*  
4 *41001 of the FAST Act (42 U.S.C. 4370m).*

5       “(b) *REPORTS.*—*Not later than January 31 of each*  
6 *year, the Secretary shall submit to the Committee on Envi-*  
7 *ronment and Public Works of the Senate and the Committee*  
8 *on Transportation and Infrastructure of the House of Rep-*  
9 *resentatives a report with respect to any projects, programs,*  
10 *or authorities under this title (other than chapter 4) that*  
11 *includes—*

12               “(1) *for the preceding fiscal year—*

13                       “(A) *the median time described in sub-*  
14 *section (c)(1) posted on the Dashboard for*  
15 *projects described in subsection (c)(2);*

16                       “(B) *a list of any new categorical exclusions*  
17 *adopted by the Department and listed under sec-*  
18 *tion 771.117 of title 23, Code of Federal Regula-*  
19 *tions (or successor regulations); and*

20                       “(C) *a list of all regulatory requirements*  
21 *that have been removed or reduced and, if avail-*  
22 *able, a summary of the cost savings resulting*  
23 *from the removal or reduction to—*

24                               “(i) *States;*

25                               “(ii) *units of Tribal and local govern-*  
26 *ment; and*

1                   “(iii) the public; and

2                   “(2) for the current fiscal year—

3                   “(A) an estimate or documentation of the  
4                   median time elapsed between—

5                   “(i) the date of the publication in the  
6                   Federal Register of a notice of intent to pre-  
7                   pare an environmental impact statement;  
8                   and

9                   “(ii) the date of the record of decision  
10                  with respect to that environmental impact  
11                  statement by the Department; and

12                  “(B) if available, a summary of the cost  
13                  savings, including cost savings to States, units of  
14                  Tribal and local government, and the public, re-  
15                  sulting from the removal or reduction of regu-  
16                  latory requirements.

17                  “(c) FEDERAL PERMITTING DASHBOARD.—

18                  “(1) IN GENERAL.—Not later than January 31  
19                  of each year, the Secretary shall provide to the Execu-  
20                  tive Director of the Federal Permitting Improvement  
21                  Steering Council established under section 41002(a) of  
22                  the FAST Act (42 U.S.C. 4370m-1(a)), to make  
23                  available on the Dashboard, with respect to projects  
24                  described in paragraph (2), the median time elapsed  
25                  between—

1           “(A) the publication in the *Federal Register*  
 2           of the notice of intent to prepare an environ-  
 3           mental impact statement; and

4           “(B) the date of issuance of the record of de-  
 5           cision with respect to that environmental impact  
 6           statement by the Department of Transportation.

7           “(2) *PROJECTS DESCRIBED*.—A project referred  
 8           to in paragraph (1) is a project for which—

9           “(A) a record of decision for an environ-  
 10          mental impact statement was issued during the  
 11          preceding fiscal year; and

12          “(B) the Department of Transportation is a  
 13          lead agency (as defined in section 139).”.

14          (b) *CLERICAL AMENDMENT*.—The analysis for chapter  
 15          3 of title 23, United States Code (as amended by section  
 16          1309(b)), is amended by adding at the end the following:

“332. Department of Transportation reports.”.

17 **SEC. 1311. PRELIMINARY ENGINEERING.**

18          (a) *IN GENERAL*.—Section 102 of title 23, United  
 19          States Code, is amended—

20                 (1) by striking subsection (b); and

21                 (2) in subsection (a), in the second sentence, by  
 22          striking “Nothing in this subsection” and inserting  
 23          the following:

24          “(b) *SAVINGS PROVISION*.—Nothing in this section”.

1           (b) *CONFORMING AMENDMENT.*—Section 144(j) of title  
 2 23, *United States Code*, is amended by striking paragraph  
 3 (6).

4           ***Subtitle D—Climate Change***

5           ***SEC. 1401. GRANTS FOR CHARGING AND FUELING INFRA-***  
 6                                   ***STRUCTURE TO MODERNIZE AND RECON-***  
 7                                   ***NECT AMERICA FOR THE 21ST CENTURY.***

8           (a) *PURPOSE.*—The purpose of this section is to estab-  
 9 lish a grant program to strategically deploy electric vehicle  
 10 charging infrastructure, hydrogen fueling infrastructure,  
 11 and natural gas fueling infrastructure along designated al-  
 12 ternative fuel corridors that will be accessible to all drivers  
 13 of electric vehicles, hydrogen vehicles, and natural gas vehi-  
 14 cles.

15           (b) *GRANT PROGRAM.*—Section 151 of title 23, *United*  
 16 *States Code*, is amended—

17                   (1) in subsection (a), by striking “Not later than  
 18 1 year after the date of enactment of the FAST Act,  
 19 the Secretary shall” and inserting “The Secretary  
 20 shall periodically”;

21                   (2) in subsection (b)(2), by inserting “previously  
 22 designated by the Federal Highway Administration  
 23 or” before “designated by”;

24                   (3) in subsection (d)—

1           (A) by striking “5 years after the date of es-  
2           tablishment of the corridors under subsection (a),  
3           and every 5 years thereafter,” and inserting  
4           “180 days after the date of enactment of the  
5           America’s Transportation Infrastructure Act of  
6           2019,”; and

7           (B) by inserting “establish a recurring  
8           process to regularly” before “update”;

9           (4) in subsection (e)—

10           (A) in paragraph (1), by striking “and” at  
11           the end;

12           (B) in paragraph (2)—

13           (i) by striking “establishes an aspira-  
14           tional goal of achieving” and inserting “de-  
15           scribes efforts, including through funds  
16           awarded through the grant program under  
17           subsection (f), that will aid efforts to  
18           achieve”; and

19           (ii) by striking “by the end of fiscal  
20           year 2020.” and inserting “; and”; and

21           (C) by adding at the end the following:

22           “(3) summarizes best practices and provides  
23           guidance, developed through consultation with the  
24           Secretary of Energy, for project development of elec-  
25           tric vehicle charging infrastructure, hydrogen fueling

1 *infrastructure, and natural gas fueling infrastructure*  
2 *at the State, Tribal, and local level to allow for the*  
3 *predictable deployment of that infrastructure.”; and*

4 *(5) by adding at the end the following:*

5 *“(f) GRANT PROGRAM.—*

6 *“(1) ESTABLISHMENT.—Not later than 1 year*  
7 *after the date of enactment of the America’s Trans-*  
8 *portation Infrastructure Act of 2019, the Secretary*  
9 *shall establish a grant program to award grants to el-*  
10 *igible entities to carry out the activities described in*  
11 *paragraph (5).*

12 *“(2) ELIGIBLE ENTITIES.—An entity eligible to*  
13 *receive a grant under this subsection is—*

14 *“(A) a State or political subdivision of a*  
15 *State;*

16 *“(B) a metropolitan planning organization;*

17 *“(C) a unit of local government;*

18 *“(D) a special purpose district or public*  
19 *authority with a transportation function, includ-*  
20 *ing a port authority;*

21 *“(E) an Indian tribe (as defined in section*  
22 *4 of the Indian Self-Determination and Edu-*  
23 *cation Assistance Act (25 U.S.C. 5304));*

24 *“(F) an authority, agency, or instrumen-*  
25 *tality of, or an entity owned by, 1 or more enti-*

1           *ties described in subparagraphs (A) through (E);*  
2           *or*

3                   “(G) a group of entities described in sub-  
4           *paragraphs (A) through (F).*

5           “(3) *APPLICATIONS.*—*To be eligible to receive a*  
6           *grant under this subsection, an eligible entity shall*  
7           *submit to the Secretary an application at such time,*  
8           *in such manner, and containing such information as*  
9           *the Secretary shall require, including—*

10                   “(A) a description of how the eligible entity  
11           *has considered—*

12                           “(i) public accessibility of charging or  
13           *fueling infrastructure proposed to be funded*  
14           *with a grant under this subsection, includ-*  
15           *ing—*

16                                   “(I) charging or fueling connector  
17           *types and publicly available informa-*  
18           *tion on real-time availability; and*

19                                   “(II) payment methods to ensure  
20           *secure, convenient, fair, and equal ac-*  
21           *cess;*

22                                   “(ii) collaborative engagement with  
23           *stakeholders (including automobile manu-*  
24           *facturers, utilities, infrastructure providers,*  
25           *technology providers, electric charging, hy-*

1            *drogen, and natural gas fuel providers, met-*  
2            *ropolitan planning organizations, States,*  
3            *Indian tribes, and units of local govern-*  
4            *ments, fleet owners, fleet managers, fuel sta-*  
5            *tion owners and operators, labor organiza-*  
6            *tions, infrastructure construction and com-*  
7            *ponent parts suppliers, and multi-State and*  
8            *regional entities)—*

9            *“(I) to foster enhanced, coordi-*  
10           *nated, public-private or private invest-*  
11           *ment in electric vehicle charging infra-*  
12           *structure, hydrogen fueling infrastruc-*  
13           *ture, or natural gas fueling infrastruc-*  
14           *ture;*

15           *“(II) to expand deployment of*  
16           *electric vehicle charging infrastructure,*  
17           *hydrogen fueling infrastructure, or*  
18           *natural gas fueling infrastructure;*

19           *“(III) to protect personal privacy*  
20           *and ensure cybersecurity; and*

21           *“(IV) to ensure that a properly*  
22           *trained workforce is available to con-*  
23           *struct and install electric vehicle charg-*  
24           *ing infrastructure, hydrogen fueling*

1                    *infrastructure, or natural gas fueling*  
2                    *infrastructure;*

3                    *“(iii) the location of the station or*  
4                    *fueling site, such as consideration of—*

5                    *“(I) the availability of onsite*  
6                    *amenities for vehicle operators, such as*  
7                    *restrooms or food facilities;*

8                    *“(II) access in compliance with*  
9                    *the Americans with Disabilities Act of*  
10                   *1990 (42 U.S.C. 12101 et seq.);*

11                   *“(III) height and fueling capacity*  
12                   *requirements for facilities that charge*  
13                   *or refuel large vehicles, such as semi-*  
14                   *trailer trucks; and*

15                   *“(IV) appropriate distribution to*  
16                   *avoid redundancy and fill charging or*  
17                   *fueling gaps;*

18                   *“(iv) infrastructure installation that*  
19                   *can be responsive to technology advance-*  
20                   *ments, such as accommodating autonomous*  
21                   *vehicles and future charging methods; and*

22                   *“(v) the long-term operation and*  
23                   *maintenance of the electric vehicle charging*  
24                   *infrastructure, hydrogen fueling infrastruc-*  
25                   *ture, or natural gas fueling infrastructure,*

1           to avoid stranded assets and protect the in-  
2           vestment of public funds in that infrastruc-  
3           ture; and

4           “(B) an assessment of the estimated emis-  
5           sions that will be reduced through the use of elec-  
6           tric vehicle charging infrastructure, hydrogen  
7           fueling infrastructure, or natural gas fueling in-  
8           frastructure, which shall be conducted using the  
9           Alternative Fuel Life-Cycle Environmental and  
10          Economic Transportation (AFLEET) tool devel-  
11          oped by Argonne National Laboratory (or a suc-  
12          cessor tool).

13          “(4) CONSIDERATIONS.—In selecting eligible en-  
14          tities to receive a grant under this subsection, the Sec-  
15          retary shall—

16                 “(A) consider the extent to which the appli-  
17                 cation of the eligible entity would—

18                         “(i) improve alternative fueling cor-  
19                         ridor networks by—

20                                 “(I) converting corridor-pending  
21                                 corridors to corridor-ready corridors;

22                                 or

23                                 “(II) in the case of corridor-ready  
24                                 corridors, providing redundancy—

1                   “(aa) to meet excess demand  
2                   for charging or fueling infrastruc-  
3                   ture; or

4                   “(bb) to reduce congestion at  
5                   existing charging or fueling infra-  
6                   structure in high-traffic locations;

7                   “(ii) meet current or anticipated mar-  
8                   ket demands for charging or fueling infra-  
9                   structure;

10                  “(iii) enable or accelerate the construc-  
11                  tion of charging or fueling infrastructure  
12                  that would be unlikely to be completed with-  
13                  out Federal assistance; and

14                  “(iv) support a long-term competitive  
15                  market for electric vehicle charging infra-  
16                  structure, hydrogen fueling infrastructure,  
17                  or natural gas fueling infrastructure that  
18                  does not significantly impair existing elec-  
19                  tric vehicle charging infrastructure, hydro-  
20                  gen fueling infrastructure, or natural gas  
21                  fueling infrastructure providers;

22                  “(B) ensure, to the maximum extent prac-  
23                  ticable, geographic diversity among grant recipi-  
24                  ents to ensure that electric vehicle charging in-  
25                  frastructure, hydrogen fueling infrastructure, or

1           *natural gas fueling infrastructure is available*  
2           *throughout the United States;*

3           “(C) *consider whether the private entity*  
4           *that the eligible entity contracts with under*  
5           *paragraph (5)—*

6                     “(i) *submits to the Secretary the most*  
7                     *recent year of audited financial statements;*  
8                     *and*

9                     “(ii) *has experience in installing and*  
10                    *operating electric vehicle charging infra-*  
11                    *structure, hydrogen fueling infrastructure,*  
12                    *or natural gas fueling infrastructure; and*

13           “(D) *consider whether, to the maximum ex-*  
14           *tent practicable, the eligible entity and the pri-*  
15           *vate entity that the eligible entity contracts with*  
16           *under paragraph (5) enter into an agreement—*

17                     “(i) *to operate and maintain publicly*  
18                     *available electric vehicle charging infra-*  
19                     *structure, hydrogen fueling infrastructure,*  
20                     *or natural gas infrastructure; and*

21                     “(ii) *that provides a remedy and an*  
22                     *opportunity to cure if the requirements de-*  
23                     *scribed in clause (i) are not met.*

24           “(5) *USE OF FUNDS.—*

1           “(A) *IN GENERAL.*—*An eligible entity re-*  
2           *ceiving a grant under this subsection shall only*  
3           *use the funds in accordance with this paragraph*  
4           *to contract with a private entity for acquisition*  
5           *and installation of publicly accessible electric ve-*  
6           *hicle charging infrastructure, hydrogen fueling*  
7           *infrastructure, or natural gas fueling infrastruc-*  
8           *ture that is directly related to the charging or*  
9           *fueling of a vehicle.*

10           “(B) *LOCATION OF INFRASTRUCTURE.*—*Any*  
11           *electric vehicle charging infrastructure, hydrogen*  
12           *fueling infrastructure, or natural gas fueling in-*  
13           *frastructure acquired and installed with a grant*  
14           *under this subsection shall be located along an*  
15           *alternative fuel corridor designated—*

16                   “(i) *under this section, on the condi-*  
17                   *tion that any affected Indian tribes are con-*  
18                   *sulted before the designation; or*

19                   “(ii) *by a State or group of States,*  
20                   *such as the Regional Electric Vehicle West*  
21                   *Plan of the States of Arizona, Colorado,*  
22                   *Idaho, Montana, Nevada, New Mexico,*  
23                   *Utah, and Wyoming, on the condition that*  
24                   *any affected Indian tribes are consulted be-*  
25                   *fore the designation.*

1           “(C) *OPERATING ASSISTANCE.*—

2                   “(i) *IN GENERAL.*—*Subject to clauses*  
3                   *(ii) and (iii), an eligible entity that receives*  
4                   *a grant under this subsection may use a*  
5                   *portion of the funds to provide to a private*  
6                   *entity operating assistance for the first 5*  
7                   *years of operations after the installation of*  
8                   *electric vehicle charging infrastructure, hy-*  
9                   *drogen fueling infrastructure, or natural*  
10                   *gas fueling infrastructure while the facility*  
11                   *transitions to independent system oper-*  
12                   *ations.*

13                   “(ii) *INCLUSIONS.*—*Operating assist-*  
14                   *ance under this subparagraph shall be lim-*  
15                   *ited to costs allocable to operating and*  
16                   *maintaining the electric vehicle charging*  
17                   *infrastructure, hydrogen fueling infrastruc-*  
18                   *ture, or natural gas fueling infrastructure*  
19                   *and service, including costs associated with*  
20                   *labor, marketing, and administrative costs.*

21                   “(iii) *LIMITATION.*—*Operating assist-*  
22                   *ance under this subparagraph may not ex-*  
23                   *ceed the amount of a contract under sub-*  
24                   *paragraph (A) to acquire and install pub-*  
25                   *licly accessible electric vehicle charging in-*

1           *frastructure, hydrogen fueling infrastruc-*  
2           *ture, or natural gas fueling infrastructure.*

3           “(D) *SIGNS.*—

4                 “(i) *IN GENERAL.*—Subject to this  
5           *paragraph and paragraph (6)(B), an eligi-*  
6           *ble entity that receives a grant under this*  
7           *subsection may use a portion of the funds to*  
8           *acquire and install—*

9                     “(I) *traffic control devices located*  
10           *in the right-of-way to provide direc-*  
11           *tional information to electric vehicle*  
12           *charging infrastructure, hydrogen fuel-*  
13           *ing infrastructure, or natural gas fuel-*  
14           *ing infrastructure acquired, installed,*  
15           *or operated with the grant; and*

16                    “(II) *on-premises signs to provide*  
17           *information about electric vehicle*  
18           *charging infrastructure, hydrogen fuel-*  
19           *ing infrastructure, or natural gas fuel-*  
20           *ing infrastructure acquired, installed,*  
21           *or operated with a grant under this*  
22           *subsection.*

23                    “(ii) *APPLICABILITY.*—Clause (i) shall  
24           *apply only to an eligible entity that—*

1           “(I) receives a grant under this  
2           subsection; and

3           “(II) is using that grant for the  
4           acquisition and installation of publicly  
5           accessible electric vehicle charging in-  
6           frastructure, hydrogen fueling infra-  
7           structure, or natural gas fueling infra-  
8           structure.

9           “(iii) *LIMITATION ON AMOUNT.*—The  
10          amount of funds used to acquire and install  
11          traffic control devices and on-premises signs  
12          under clause (i) may not exceed the amount  
13          of a contract under subparagraph (A) to ac-  
14          quire and install publicly accessible charg-  
15          ing or fueling infrastructure.

16          “(iv) *NO NEW AUTHORITY CREATED.*—  
17          Nothing in this subparagraph authorizes an  
18          eligible entity that receives a grant under  
19          this subsection to acquire and install traffic  
20          control devices or on-premises signs if the  
21          entity is not otherwise authorized to do so.

22          “(E) *REVENUE.*—An eligible entity receiv-  
23          ing a grant under this subsection and a private  
24          entity referred to in subparagraph (A) may enter  
25          into a cost-sharing agreement under which the

1       *private entity submits to the eligible entity a*  
2       *portion of the revenue from the electric vehicle*  
3       *charging infrastructure, hydrogen fueling infra-*  
4       *structure, or natural gas fueling infrastructure.*

5       “(6) *PROJECT REQUIREMENTS.*—

6               “(A) *IN GENERAL.*—*Notwithstanding any*  
7       *other provision of law, any project funded by a*  
8       *grant under this subsection shall be treated as a*  
9       *project on a Federal-aid highway under this*  
10       *chapter.*

11               “(B) *SIGNS.*—*Any traffic control device or*  
12       *on-premises sign acquired, installed, or operated*  
13       *with a grant under this subsection shall comply*  
14       *with—*

15                       “(i) *the Manual on Uniform Traffic*  
16               *Control Devices, if located in the right-of-*  
17               *way; and*

18                       “(ii) *other provisions of Federal, State,*  
19               *and local law, as applicable.*

20       “(7) *FEDERAL SHARE.*—

21               “(A) *IN GENERAL.*—*The Federal share of*  
22       *the cost of a project carried out with a grant*  
23       *under this subsection shall not exceed 80 percent*  
24       *of the total project cost.*



1           *cluding through the electrification of port oper-*  
2           *ations;*

3                   *(B) study emerging technologies and strate-*  
4                   *gies that may help reduce port-related emissions*  
5                   *from idling trucks; and*

6                   *(C) coordinate and provide funding to test,*  
7                   *evaluate, and deploy projects that reduce port-re-*  
8                   *lated emissions from idling trucks, including*  
9                   *through the advancement of port electrification*  
10                  *and improvements in efficiency, focusing on port*  
11                  *operations, including heavy-duty commercial ve-*  
12                  *hicles, and other related projects.*

13                  *(2) CONSULTATION.—In carrying out the pro-*  
14                  *gram under this subsection, the Secretary may con-*  
15                  *sult with the Secretary of Energy and the Adminis-*  
16                  *trator of the Environmental Protection Agency.*

17                  *(b) GRANTS.—*

18                    *(1) IN GENERAL.—In carrying out subsection*  
19                    *(a)(1)(C), the Secretary shall award grants to fund*  
20                    *projects that reduce emissions at ports, including*  
21                    *through the advancement of port electrification.*

22                    *(2) COST SHARE.—A grant awarded under para-*  
23                    *graph (1) shall not exceed 80 percent of the total cost*  
24                    *of the project funded by the grant.*

1           (3) *COORDINATION.*—*In carrying out the grant*  
2 *program under this subsection, the Secretary shall—*

3           (A) *to the maximum extent practicable, le-*  
4 *verage existing resources and programs of the*  
5 *Department and other relevant Federal agencies;*  
6 *and*

7           (B) *coordinate with other Federal agencies,*  
8 *as the Secretary determines to be appropriate.*

9           (4) *APPLICATION; SELECTION.*—

10           (A) *APPLICATION.*—*The Secretary shall so-*  
11 *licit applications for grants under paragraph (1)*  
12 *at such time, in such manner, and containing*  
13 *such information as the Secretary determines to*  
14 *be necessary.*

15           (B) *SELECTION.*—*The Secretary shall make*  
16 *grants under paragraph (1) by not later than*  
17 *April 1 of each fiscal year for which funding is*  
18 *made available.*

19           (5) *REQUIREMENT.*—*Notwithstanding any other*  
20 *provision of law, any project funded by a grant under*  
21 *this subsection shall be treated as a project on a Fed-*  
22 *eral-aid highway under chapter 1 of title 23, United*  
23 *States Code.*

24           (c) *REPORT.*—*Not later than 1 year after the date on*  
25 *which all of the projects funded with a grant under sub-*

1 *section (b) are completed, the Secretary shall submit to Con-*  
 2 *gress a report that includes—*

3 *(1) the findings of the studies described in sub-*  
 4 *paragraphs (A) and (B) of subsection (a)(1);*

5 *(2) the results of the projects that received a*  
 6 *grant under subsection (b);*

7 *(3) any recommendations for workforce develop-*  
 8 *ment and training opportunities with respect to port*  
 9 *electrification; and*

10 *(4) any policy recommendations based on the*  
 11 *findings and results described in paragraphs (1) and*  
 12 *(2).*

13 **SEC. 1403. CARBON REDUCTION INCENTIVE PROGRAMS.**

14 *(a) IN GENERAL.—Chapter 1 of title 23, United States*  
 15 *Code (as amended by section 1203(a)), is amended by add-*  
 16 *ing at the end the following:*

17 **“§ 177. Formula carbon reduction incentive program**

18 *“(a) DEFINITIONS.—In this section:*

19 *“(1) METROPOLITAN PLANNING ORGANIZATION;*  
 20 *URBANIZED AREA.—The terms ‘metropolitan plan-*  
 21 *ning organization’ and ‘urbanized area’ have the*  
 22 *meaning given those terms in section 134(b).*

23 *“(2) TRANSPORTATION EMISSIONS.—The term*  
 24 *‘transportation emissions’ means carbon dioxide emis-*

1        *sions from on-road highway sources of those emissions*  
2        *within a State.*

3            “(3) *TRANSPORTATION MANAGEMENT AREA.*—  
4        *The term ‘transportation management area’ means a*  
5        *transportation management area identified or des-*  
6        *ignated by the Secretary under section 134(k)(1).*

7            “(b) *FORMULA CARBON REDUCTION AWARDS.*—

8            “(1) *IN GENERAL.*—*For each fiscal year, the Sec-*  
9        *retary shall distribute among the States the amounts*  
10        *made available to carry out this section for that fiscal*  
11        *year in accordance with paragraph (2).*

12            “(2) *DISTRIBUTION.*—*The amount for each State*  
13        *shall be determined by multiplying the total amount*  
14        *made available to carry out this section for the appli-*  
15        *cable fiscal year by the ratio that—*

16            “(A) *the total base apportionment for the*  
17        *State under section 104(c); bears to*

18            “(B) *the total base apportionments for all*  
19        *States under section 104(c).*

20            “(c) *EMISSIONS REDUCTION SUPPLEMENTAL.*—

21            “(1) *IN GENERAL.*—*A State shall use 50 percent*  
22        *of the amount distributed to the State under sub-*  
23        *section (b) for each fiscal year to carry out activities*  
24        *under paragraph (2).*

1           “(2) *ELIGIBLE ACTIVITIES.*—Subject to para-  
2           graph (3), a State and any metropolitan planning  
3           organization that is required to obligate funds in ac-  
4           cordance with subsection (e) shall use the funds under  
5           paragraph (1) for activities designed to reduce trans-  
6           portation emissions, including—

7                   “(A) a project described in paragraph (4),  
8                   (5), (7), (8), or (11) of subsection (b) of section  
9                   149 or subsection (c)(2) of that section, regard-  
10                  less of whether the project—

11                          “(i) is located in an area designated as  
12                          a nonattainment or maintenance area, as  
13                          described in section 149(b); or

14                          “(ii) is likely to contribute to the at-  
15                          tainment or maintenance in the area of a  
16                          national ambient air quality standard;

17                   “(B) a project that is eligible for assistance  
18                   under section 142;

19                   “(C) a project for the provision of facilities  
20                   for pedestrians and bicyclists (including the con-  
21                   version and use of rail corridors for pedestrian  
22                   and bike trails);

23                   “(D) a project that is described in section  
24                   503(c)(4)(E);

1           “(E) a project to reduce emissions from  
2 port-related equipment and vehicles;

3           “(F) a project to replace street lighting and  
4 traffic control devices with energy efficient alter-  
5 natives; and

6           “(G) the development of a carbon reduction  
7 strategy under subsection (d)(1)(A).

8           “(3) *LIMITATION.*—No funds provided under  
9 paragraph (1) may be used for a project that will re-  
10 sult in the construction of new capacity available to  
11 single-occupant vehicles.

12           “(4) *FEDERAL SHARE.*—The Federal share of the  
13 cost of a project carried out with funds under para-  
14 graph (1) shall be determined in accordance with sec-  
15 tion 120.

16           “(d) *CARBON REDUCTION STRATEGY PLANNING IN-*  
17 *CENTIVE.*—

18           “(1) *CARBON REDUCTION STRATEGY.*—

19           “(A) *IN GENERAL.*—A State may, in con-  
20 sultation with a metropolitan planning organi-  
21 zation within the State, develop a carbon reduc-  
22 tion strategy.

23           “(B) *REQUIREMENTS.*—If a State develops  
24 a carbon reduction strategy under subparagraph  
25 (A), the carbon reduction strategy shall—

1           “(i) identify projects and strategies to  
2 reduce transportation emissions, which may  
3 include projects and strategies for safe, reli-  
4 able, and cost-effective options—

5           “(I) to reduce traffic congestion  
6 on Federal-aid highways located with-  
7 in the State or the area served by the  
8 metropolitan planning organization,  
9 as applicable;

10           “(II) to facilitate the use of alter-  
11 natives to single-occupant vehicle trips,  
12 including public transportation facili-  
13 ties, pedestrian facilities, bicycle facili-  
14 ties, and shared or pooled vehicle trips  
15 within the State or an area served by  
16 the metropolitan planning organiza-  
17 tion, if any;

18           “(III) to facilitate the use of vehi-  
19 cles or modes of travel that result in  
20 lower transportation emissions per per-  
21 son-mile traveled; and

22           “(IV) to facilitate approaches to  
23 transportation asset construction and  
24 maintenance that result in lower  
25 transportation emissions;

1           “(ii) set targets for the reduction of  
2           *transportation emissions and implementa-*  
3           *tion of the projects and strategies identified*  
4           *under clause (i);*

5           “(iii) be appropriate to the population  
6           *density and context of the State, including*  
7           *a metropolitan planning organization with-*  
8           *in the State, if any;*

9           “(iv) provide a reasonable opportunity  
10           *for participation and review by interested*  
11           *parties within the State;*

12           “(v) be updated not less frequently  
13           *than once every 3 years; and*

14           “(vi) be reviewed and certified by the  
15           *Secretary to have met the requirements of*  
16           *this subparagraph.*

17           “(2) *CARBON REDUCTION STRATEGY PLANNING*  
18           *INCENTIVE.—*

19           “(A) *IN GENERAL.—A State shall use 50*  
20           *percent of the amounts made available to the*  
21           *State under subsection (b) for each fiscal year for*  
22           *the eligible activities under subparagraph (B).*

23           “(B) *ELIGIBLE ACTIVITIES.—*

24           “(i) *IN GENERAL.—A State and any*  
25           *metropolitan planning organization in the*

1           *State that is required to obligate funds in*  
2           *accordance with subsection (e) may use the*  
3           *funds under subparagraph (A) for a project*  
4           *or strategy described in subsection (c)(2).*

5           “(i) *ADDITIONAL ELIGIBILITY INCEN-*  
6           *TIVE.—In addition to the eligible activities*  
7           *under clause (i), a State and any metro-*  
8           *politan planning organization in the State*  
9           *that is required to obligate funds in accord-*  
10           *ance with subsection (e) may use the funds*  
11           *under subparagraph (A) for a project eligi-*  
12           *ble under section 133(b) if—*

13                   “(I) *the State has, within the fis-*  
14                   *cal year prior to the fiscal year in*  
15                   *which the Secretary is making the*  
16                   *grant or by a deadline established by*  
17                   *the Secretary in the fiscal year in*  
18                   *which the Secretary is making the*  
19                   *grant, developed a carbon reduction*  
20                   *strategy under paragraph (1)(A) that*  
21                   *has been approved by the Secretary*  
22                   *under clause (vi) of that paragraph; or*

23                   “(II) *the State or metropolitan*  
24                   *planning organization has, within the*  
25                   *4 fiscal years prior to the fiscal year*

1           *in which the Secretary is making the*  
2           *grant or by a deadline established by*  
3           *the Secretary in the fiscal year in*  
4           *which the Secretary is making the*  
5           *grant, incorporated a carbon reduction*  
6           *strategy under paragraph (1)(A)*  
7           *into—*

8                   *“(aa) a long-range transpor-*  
9                   *tation plan developed by the met-*  
10                   *ropolitan planning organization*  
11                   *under section 134(c), if any; and*

12                   *“(bb) the long-range state-*  
13                   *wide transportation plan devel-*  
14                   *oped by the State under section*  
15                   *135(f)(1).*

16                   *“(C) FEDERAL SHARE.—The Federal share*  
17                   *of the cost of a project carried out using funds*  
18                   *under subparagraph (A) shall be—*

19                   *“(i) in the case of a State or metropoli-*  
20                   *tan planning organization within a State*  
21                   *that meets the requirements under subpara-*  
22                   *graph (B)(ii), up to 100 percent, at the dis-*  
23                   *cretion of the State; and*

24                   *“(ii) in the case of a State or metro-*  
25                   *politan planning organization within a*

1                   *State that is not described in clause (i), de-*  
2                   *termined in accordance with section 120.*

3           “(e) *SUBALLOCATION REQUIREMENTS.*—

4                   “(1) *IN GENERAL.*—*For each fiscal year, of the*  
5           *funds made available to a State under subsections (c)*  
6           *and (d)—*

7                           “(A) *65 percent of each amount shall be ob-*  
8           *ligated, in proportion to their relative shares of*  
9           *the population of the State—*

10                                   “(i) *in urbanized areas of the State*  
11           *with an urbanized area population of over*  
12           *200,000; and*

13                                   “(ii) *in other areas of the State; and*

14                                   “(B) *the remainder may be obligated in*  
15           *any area of the State.*

16                   “(2) *METROPOLITAN AREAS.*—*Funds attributed*  
17           *to an urbanized area under paragraph (1)(A)(i) may*  
18           *be obligated in the metropolitan area established*  
19           *under section 134 that encompasses the urbanized*  
20           *area.*

21                   “(3) *DISTRIBUTION AMONG URBANIZED AREAS*  
22           *OF OVER 200,000 POPULATION.*—

23                           “(A) *IN GENERAL.*—*Except as provided in*  
24           *subparagraph (B), the amount that a State is re-*  
25           *quired to obligate under paragraph (1)(A)(i)*

1           *shall be obligated in urbanized areas described in*  
2           *paragraph (1)(A)(i) based on the relative popu-*  
3           *lation of the areas.*

4           “(B) *OTHER FACTORS.*—*The State may ob-*  
5           *ligate the funds described in subparagraph (A)*  
6           *based on other factors if—*

7                   “(i) *the State and the relevant metro-*  
8                   *politan planning organizations jointly*  
9                   *apply to the Secretary for the permission to*  
10                  *base the obligation on other factors; and*

11                  “(ii) *the Secretary grants the request.*

12           “(4) *CONSULTATION IN URBANIZED AREAS.*—*Be-*  
13           *fore obligating funds for an eligible activity under*  
14           *subsection (c) or (d) in an urbanized area that is not*  
15           *a transportation management area, a State shall con-*  
16           *sult with any metropolitan planning organization*  
17           *that represents the urbanized area prior to deter-*  
18           *mining which activities should be carried out.*

19           “(5) *CONSULTATION IN RURAL AREAS.*—*Before*  
20           *obligating funds for an eligible activity under sub-*  
21           *section (c) or (d) in a rural area, a State shall con-*  
22           *sult with any regional transportation planning orga-*  
23           *nization or metropolitan planning organization that*  
24           *represents the rural area prior to determining which*  
25           *activities should be carried out.*

1 **“§ 178. Carbon reduction performance program**

2 “(a) *DEFINITIONS.—In this section:*

3 “(1) *METROPOLITAN PLANNING ORGANIZATION;*  
4 *URBANIZED AREA.—The terms ‘metropolitan plan-*  
5 *ning organization’ and ‘urbanized area’ have the*  
6 *meaning given those terms in section 134(b).*

7 “(2) *QUALIFYING STATE.—The term ‘qualifying*  
8 *State’ means a State in which—*

9 “(A) *the average annual transportation*  
10 *emissions within the State has grown more slow-*  
11 *ly or declined during the most recent 2-calendar*  
12 *year period for which data are available for*  
13 *transportation emissions at the time the Sec-*  
14 *retary is making the grant under this section, as*  
15 *compared to the 2-calendar year period that im-*  
16 *mediately precedes that period; or*

17 “(B) *the average annual transportation*  
18 *emissions within the State, as estimated on a per*  
19 *capita basis, has grown more slowly or declined*  
20 *during the most recent 2-calendar year period*  
21 *for which data are available for transportation*  
22 *emissions at the time the Secretary is making*  
23 *the grant under this section, as compared to the*  
24 *2-calendar year period that immediately pre-*  
25 *cedes that period.*

1           “(3) *QUALIFYING UNIT OF LOCAL GOVERN-*  
2           *MENT.*—*The term ‘qualifying unit of local govern-*  
3           *ment’ means a unit of local government in an urban-*  
4           *ized area served by a metropolitan planning organi-*  
5           *zation, in which—*

6                   “(A) *the average annual transportation*  
7                   *emissions within the urbanized area has grown*  
8                   *more slowly or declined during the most recent*  
9                   *2-calendar year period for which data are avail-*  
10                  *able for transportation emissions at the time the*  
11                  *Secretary is making the grant under this section,*  
12                  *as compared to the 2-calendar year period that*  
13                  *immediately precedes that period; or*

14                  “(B) *the average annual transportation*  
15                  *emissions within the urbanized area, as esti-*  
16                  *mated on a per capita basis, has grown more*  
17                  *slowly or declined during the most recent 2-cal-*  
18                  *endar year period for which data are available*  
19                  *for transportation emissions at the time the Sec-*  
20                  *retary is making the grant under this section, as*  
21                  *compared to the 2-calendar year period that im-*  
22                  *mediately precedes that period.*

23           “(4) *TRANSPORTATION EMISSIONS.*—*The term*  
24           *‘transportation emissions’ has the meaning given the*  
25           *term in section 177(a).*

1       “(b) *CARBON REDUCTION PERFORMANCE AND PLAN-*  
2 *NING RECOGNITION AWARDS.*—

3               “(1) *IN GENERAL.*—*The Secretary shall establish*  
4 *a competitive grant program to award grants to eligi-*  
5 *ble entities in recognition of the achievement of the el-*  
6 *igible entity in meeting the performance categories de-*  
7 *scribed in paragraph (3)(A).*

8               “(2) *ELIGIBLE ENTITIES.*—*The Secretary shall*  
9 *distribute amounts under paragraph (1) to any of the*  
10 *following:*

11                       “(A) *A qualifying State.*

12                       “(B) *A qualifying unit of local government.*

13               “(3) *PERFORMANCE CATEGORIES.*—

14                       “(A) *IN GENERAL.*—*The Secretary shall se-*  
15 *lect eligible entities to receive a grant under*  
16 *paragraph (1) to recognize the achievement of the*  
17 *eligible entity in meeting any of the following*  
18 *performance categories:*

19                               “(i) *A significant reduction in trans-*  
20 *portation emissions, as estimated on a per*  
21 *unit of economic output basis.*

22                               “(ii) *A significant reduction in trans-*  
23 *portation emissions, as estimated on a per*  
24 *capita basis.*

1           “(iii) *Transportation emissions, as es-*  
2           *timated on a per unit of economic output*  
3           *basis, that are among the lowest of jurisdic-*  
4           *tions with comparable population and sur-*  
5           *face transportation system characteristics.*

6           “(iv) *Transportation emissions, as esti-*  
7           *mated on a per capita basis, that are*  
8           *among the lowest of jurisdictions with com-*  
9           *parable population and surface transpor-*  
10          *tation system characteristics.*

11          “(v) *Innovative planning efforts and*  
12          *the implementation of a carbon reduction*  
13          *strategy under section 177(d)(1)(A) or plans*  
14          *that lead to a reduction in transportation*  
15          *emissions.*

16          “(B) *MERIT BASED DISTRIBUTION.—In se-*  
17          *lecting among eligible entities to receive grants*  
18          *under paragraph (1) and the amount of each of*  
19          *those grants, the Secretary shall give priority to*  
20          *eligible entities that have achieved the most sig-*  
21          *nificant levels of reductions of transportation*  
22          *emissions, as estimated on either a per unit of*  
23          *economic basis or on a per capita basis.*

24          “(C) *MULTIPLE AWARDS.—The Secretary*  
25          *may—*

1           “(i) award a grant under paragraph  
2           (1) to multiple eligible entities for each per-  
3           formance category described in subpara-  
4           graph (A); and

5           “(ii) recognize achievements in each  
6           performance category described in subpara-  
7           graph (A)—

8                   “(I) in urban and rural areas;  
9                   and

10                   “(II) on the State and local level.

11           “(D) REPEAT AWARDS.—The Secretary  
12           may not award a grant under this subsection to  
13           the same eligible entity more than once in a 2-  
14           year period.

15           “(4) AWARD AMOUNT.—A grant under para-  
16           graph (1) shall be in an amount—

17                   “(A) not less than \$5,000,000; and

18                   “(B) not more than \$30,000,000.

19           “(5) ELIGIBLE USES.—An eligible entity may  
20           use a grant under paragraph (1) for—

21                   “(A) an activity eligible under this title;

22                   and

23                   “(B) a project—

1                   “(i) to maintain the condition of a  
2                   Federal-aid highway, including routine  
3                   maintenance; or

4                   “(ii) that—

5                                 “(I) responds to a specific condi-  
6                                 tion or event; and

7                                 “(II) restores a Federal-aid high-  
8                                 way to a functional state of operations.

9                   “(6) *APPLICATIONS.*—To be eligible to receive a  
10                   grant under paragraph (1), an eligible entity shall  
11                   submit to the Secretary an application at such time,  
12                   in such manner, and containing such information as  
13                   the Secretary may require.

14                   “(7) *FEDERAL SHARE.*—The Federal share of the  
15                   cost of a project carried out using a grant under  
16                   paragraph (1) shall be, as determined at the discre-  
17                   tion of the grant recipient, up to 100 percent.”.

18                   (b) *CLERICAL AMENDMENT.*—The analysis for chapter  
19                   1 of title 23, United States Code (as amended by section  
20                   1203(b)), is amended by inserting after the item relating  
21                   to section 176 the following:

                  “177. Formula carbon reduction incentive program.

                  “178. Carbon reduction performance program.”.

22                   **SEC. 1404. CONGESTION RELIEF PROGRAM.**

23                   (a) *IN GENERAL.*—Section 129 of title 23, United  
24                   States Code, is amended by adding at the end the following:

1       “(d) *CONGESTION RELIEF PROGRAM.*—

2               “(1) *DEFINITIONS.*—*In this subsection:*

3                       “(A) *ELIGIBLE ENTITY.*—*The term ‘eligible*  
4 *entity’ means—*

5                               “(i) *a State, for the purpose of car-*  
6 *rying out a project in an urbanized area*  
7 *with a population of more than 1,000,000;*  
8 *and*

9                               “(ii) *a metropolitan planning organi-*  
10 *zation, city, or municipality, for the pur-*  
11 *pose of carrying out a project in an urban-*  
12 *ized area with a population of more than*  
13 *1,000,000.*

14                       “(B) *INTEGRATED CONGESTION MANAGE-*  
15 *MENT SYSTEM.*—*The term ‘integrated congestion*  
16 *management system’ means a system for the in-*  
17 *tegration of management and operations of a re-*  
18 *gional transportation system that includes, at a*  
19 *minimum, traffic incident management, work*  
20 *zone management, traffic signal timing, man-*  
21 *aged lanes, real-time traveler information, and*  
22 *active traffic management, in order to maximize*  
23 *the capacity of all facilities and modes across the*  
24 *applicable region.*

1           “(C) *PROGRAM.*—*The term ‘program’*  
2           *means the congestion relief program established*  
3           *under paragraph (2).*

4           “(2) *ESTABLISHMENT.*—*The Secretary shall es-*  
5           *tablish a congestion relief program to provide discre-*  
6           *tionary grants to eligible entities to advance innova-*  
7           *tive, integrated, and multimodal solutions to conges-*  
8           *tion relief in the most congested metropolitan areas of*  
9           *the United States.*

10          “(3) *PROGRAM GOALS.*—*The goals of the pro-*  
11          *gram are to reduce highway congestion, reduce eco-*  
12          *nomie and environmental costs associated with that*  
13          *congestion, including transportation emissions, and*  
14          *optimize existing highway capacity and usage of*  
15          *highway and transit systems through—*

16                 “(A) *improving intermodal integration with*  
17                 *highways, highway operations, and highway per-*  
18                 *formance;*

19                 “(B) *reducing or shifting highway users to*  
20                 *off-peak travel times or to nonhighway travel*  
21                 *modes during peak travel times; and*

22                 “(C) *pricing of, or based on, as applica-*  
23                 *ble—*

24                         “(i) *parking;*

1                   “(ii) use of roadways, including in  
2                   designated geographic zones; or

3                   “(iii) congestion.

4                   “(4) *ELIGIBLE PROJECTS.*—Funds from a grant  
5                   under the program may be used for a project or an  
6                   integrated collection of projects, including planning,  
7                   design, implementation, and construction activities,  
8                   to achieve the program goals under paragraph (3), in-  
9                   cluding—

10                   “(A) deployment and operation of an inte-  
11                   grated congestion management system;

12                   “(B) deployment and operation of a system  
13                   that implements or enforces high occupancy vehi-  
14                   cle toll lanes, cordon pricing, parking pricing, or  
15                   congestion pricing;

16                   “(C) deployment and operation of mobility  
17                   services, including establishing account-based fi-  
18                   nancial systems, commuter buses, commuter  
19                   vans, express operations, paratransit, and on-de-  
20                   mand microtransit; and

21                   “(D) incentive programs that encourage  
22                   travelers to carpool, use nonhighway travel  
23                   modes during peak period, or travel during  
24                   nonpeak periods.

25                   “(5) *APPLICATION; SELECTION.*—

1           “(A) *APPLICATION.*—To be eligible to re-  
2           ceive a grant under the program, an eligible en-  
3           tity shall submit to the Secretary an application  
4           at such time, in such manner, and containing  
5           such information as the Secretary may require.

6           “(B) *PRIORITY.*—In providing grants under  
7           the program, the Secretary shall give priority to  
8           projects in urbanized areas that are experiencing  
9           a high degree of recurrent congestion.

10          “(C) *FEDERAL SHARE.*—The Federal share  
11          of the cost of a project carried out with a grant  
12          under the program shall not exceed 80 percent of  
13          the total project cost.

14          “(D) *MINIMUM AWARD.*—A grant provided  
15          under the program shall be not less than  
16          \$10,000,000.

17          “(6) *USE OF TOLLING.*—

18                 “(A) *IN GENERAL.*—Notwithstanding sub-  
19                 section (a)(1) and section 301 and subject to sub-  
20                 paragraphs (B) and (C), the Secretary shall  
21                 allow the use of tolls on the Interstate System as  
22                 part of a project carried out with a grant under  
23                 the program.

1           “(B) *REQUIREMENTS.*—*The Secretary may*  
2           *only approve the use of tolls under subparagraph*  
3           *(A) if—*

4                   “(i) *the eligible entity has authority*  
5                   *under State, and if applicable, local, law to*  
6                   *assess the applicable toll;*

7                   “(ii) *the maximum toll rate for any*  
8                   *vehicle class is not greater than the product*  
9                   *obtained by multiplying—*

10                           “(I) *the toll rate for any other ve-*  
11                           *hicle class; and*

12                           “(II) *5;*

13                   “(iii) *the toll rates are not charged or*  
14                   *varied on the basis of State residency;*

15                   “(iv) *the Secretary determines that the*  
16                   *use of tolls will enable the eligible entity to*  
17                   *achieve the program goals under paragraph*  
18                   *(3) without a significant impact to safety*  
19                   *or mobility within the urbanized area in*  
20                   *which the project is located; and*

21                   “(v) *the use of toll revenues complies*  
22                   *with subsection (a)(3).*

23           “(C) *LIMITATION.*—*The Secretary may not*  
24           *approve the use of tolls on the Interstate System*

1           under the program in more than 10 urbanized  
2           areas.

3           “(7) *FINANCIAL EFFECTS ON LOW-INCOME DRIV-*  
4           *ERS.*—A project under the program—

5                   “(A) shall include, if appropriate, an anal-  
6                   ysis of the potential effects of the project on low-  
7                   income drivers; and

8                   “(B) may include mitigation measures to  
9                   deal with any potential adverse financial effects  
10                  on low-income drivers.”.

11          (b) *HIGH OCCUPANCY VEHICLE USE OF CERTAIN*  
12 *TOLL FACILITIES.*—Section 129(a) of title 23, United  
13 *States Code, is amended—*

14                  (1) by redesignating paragraph (10) as para-  
15                  graph (11); and

16                  (2) by inserting after paragraph (9) the fol-  
17                  lowing:

18                   “(10) *HIGH OCCUPANCY VEHICLE USE OF CER-*  
19                   *TAIN TOLL FACILITIES.*—Notwithstanding section  
20                   102(a), in the case of a toll facility that is on the  
21                   Interstate System and that is constructed or converted  
22                   after the date of enactment of the America’s Trans-  
23                   portation Infrastructure Act of 2019, the public au-  
24                   thority with jurisdiction over the toll facility shall  
25                   allow high occupancy vehicles, transit, and para-

1 *transit vehicles to use the facility at a discount rate*  
2 *or without charge, unless the public authority, in con-*  
3 *sultation with the Secretary, determines that the*  
4 *number of those vehicles using the facility reduces the*  
5 *travel time reliability of the facility.”.*

6 **SEC. 1405. FREIGHT PLANS.**

7 *(a) NATIONAL AND STATE FREIGHT PLANS.—*

8 *(1) NATIONAL FREIGHT STRATEGIC PLAN.—Sec-*  
9 *tion 70102(b) of title 49, United States Code, is*  
10 *amended—*

11 *(A) in paragraph (10), by striking “and”*  
12 *at the end;*

13 *(B) in paragraph (11), by striking the pe-*  
14 *riod at the end and inserting a semicolon; and*

15 *(C) by adding at the end the following:*

16 *“(12) possible strategies to increase the resilience*  
17 *of the freight system, including the ability to antici-*  
18 *pate, prepare for, or adapt to conditions, or with-*  
19 *stand, respond to, or recover rapidly from disrup-*  
20 *tions, including extreme weather and natural disas-*  
21 *ters;*

22 *“(13) strategies to promote United States eco-*  
23 *nomie growth and international competitiveness; and*

1           “(14) strategies to reduce local air pollution,  
2           water runoff, and wildlife habitat loss resulting from  
3           freight facilities, freight vehicles, or freight activity.”.

4           (2) STATE FREIGHT PLANS.—Section 70202 of  
5           title 49, United States Code, is amended—

6           (A) in subsection (b)—

7           (i) in paragraph (9), by striking  
8           “and” at the end;

9           (ii) by redesignating paragraph (10)  
10          as paragraph (13); and

11          (iii) by inserting after paragraph (9)  
12          the following:

13          “(10) the most recent commercial motor vehicle  
14          parking facilities assessment conducted under sub-  
15          section (f);

16          “(11) strategies and goals to decrease—

17               “(A) the severity of impacts of extreme  
18               weather and natural disasters on freight mobil-  
19               ity;

20               “(B) the impacts of freight on local air pol-  
21               lution;

22               “(C) the impacts of freight on flooding,  
23               water runoff, and other adverse water impacts;  
24               and

1                   “(D) the impacts of freight on wildlife habi-  
2                   tat loss;

3                   “(12) strategies and goals to decrease the adverse  
4                   impact of freight transportation on communities tra-  
5                   versed by freight railroads; and”;

6                   (B) by redesignating subsection (e) as sub-  
7                   section (h); and

8                   (C) by inserting after subsection (d) the fol-  
9                   lowing:

10                  “(e) *PRIORITY.*—Each State freight plan under this  
11                  section shall include a requirement that the State, in car-  
12                  rying out activities under the State freight plan—

13                         “(1) enhance reliability or redundancy of freight  
14                         transportation; or

15                         “(2) incorporate the ability to rapidly restore ac-  
16                         cess and reliability of freight transportation.

17                  “(f) *COMMERCIAL MOTOR VEHICLE PARKING FACILI-*  
18                  *TIES ASSESSMENTS.*—As part of the development or updat-  
19                  ing, as applicable, of the State freight plan under this sec-  
20                  tion, each State that receives funding under section 167 of  
21                  title 23, in consultation with relevant State motor carrier  
22                  safety personnel, shall conduct an assessment of—

23                         “(1) the capability of the State, together with the  
24                         private sector in the State, to provide adequate park-

1 *ing facilities and rest facilities for commercial motor*  
2 *vehicles engaged in interstate transportation;*

3 *“(2) the volume of commercial motor vehicle traf-*  
4 *fic in the State; and*

5 *“(3) whether there are any areas within the*  
6 *State that have a shortage of adequate commercial*  
7 *motor vehicle parking facilities, including an analysis*  
8 *(economic or otherwise, as the State determines to be*  
9 *appropriate) of the underlying causes of any such*  
10 *shortages.*

11 *“(g) APPROVAL.—*

12 *“(1) IN GENERAL.—The Secretary of Transpor-*  
13 *tation shall approve a State freight plan described in*  
14 *subsection (a) if the plan achieves compliance with*  
15 *the requirements of this section.*

16 *“(2) SAVINGS PROVISION.—Nothing in this sub-*  
17 *section establishes new procedural requirements for*  
18 *the approval of a State freight plan described in sub-*  
19 *section (a).”.*

20 *(b) STUDIES.—For the purpose of facilitating the inte-*  
21 *gration of freight transportation into an intelligent trans-*  
22 *portation system network powered by electricity, the Sec-*  
23 *retary, acting through the Administrator of the Federal*  
24 *Highway Administration, shall conduct 2 or more appro-*  
25 *priate studies relating to—*

- 1           (1) *preparing to supply power to applicable elec-*  
 2           *trical freight infrastructure; and*
- 3           (2) *safely integrating freight into intelligent*  
 4           *transportation systems.*

5 **SEC. 1406. UTILIZING SIGNIFICANT EMISSIONS WITH INNO-**  
 6           **VATIVE TECHNOLOGIES.**

7           (a) *RESEARCH, INVESTIGATION, TRAINING, AND*  
 8           *OTHER ACTIVITIES.*—*Section 103 of the Clean Air Act (42*  
 9           *U.S.C. 7403) is amended—*

10           (1) *in subsection (c)(3), in the first sentence of*  
 11           *the matter preceding subparagraph (A), by striking*  
 12           *“percursors” and inserting “precursors”; and*

13           (2) *in subsection (g)—*

14           (A) *by redesignating paragraphs (1)*  
 15           *through (4) as subparagraphs (A) through (D),*  
 16           *respectively, and indenting appropriately;*

17           (B) *in the undesignated matter following*  
 18           *subparagraph (D) (as so redesignated)—*

19           (i) *in the second sentence, by striking*  
 20           *“The Administrator” and inserting the fol-*  
 21           *lowing:*

22           “(5) *COORDINATION AND AVOIDANCE OF DUPLI-*  
 23           *CATION.—The Administrator”;* and

24           (ii) *in the first sentence, by striking*  
 25           *“Nothing” and inserting the following:*

- 1           “(4) *EFFECT OF SUBSECTION.—Nothing*”;  
2                 (C) *in the matter preceding subparagraph*  
3           (A) *(as so redesignated)—*  
4                 (i) *in the third sentence, by striking*  
5                 “Such program” *and inserting the fol-*  
6                 *lowing:*  
7           “(3) *PROGRAM INCLUSIONS.—The program*  
8           *under this subsection*”;  
9                 (ii) *in the second sentence—*  
10                (I) *by inserting “States, institu-*  
11                *tions of higher education,” after “sci-*  
12                *entists,”; and*  
13                (II) *by striking “Such strategies*  
14                *and technologies shall be developed”*  
15                *and inserting the following:*  
16           “(2) *PARTICIPATION REQUIREMENT.—Such*  
17           *strategies and technologies described in paragraph (1)*  
18           *shall be developed*”;  
19                (iii) *in the first sentence, by striking*  
20                “*In carrying out*” *and inserting the fol-*  
21                *lowing:*  
22           “(1) *IN GENERAL.—In carrying out*”; *and*  
23                (D) *by adding at the end the following:*  
24           “(6) *CERTAIN CARBON DIOXIDE ACTIVITIES.—*

1           “(A) *IN GENERAL.*—*In carrying out para-*  
2 *graph (3)(A) with respect to carbon dioxide, the*  
3 *Administrator shall carry out the activities de-*  
4 *scribed in each of subparagraphs (B), (C), (D),*  
5 *and (E).*

6           “(B) *DIRECT AIR CAPTURE RESEARCH.*—

7           “(i) *DEFINITIONS.*—*In this subpara-*  
8 *graph:*

9           “(I) *BOARD.*—*The term ‘Board’*  
10 *means the Direct Air Capture Tech-*  
11 *nology Advisory Board established by*  
12 *clause (iii)(I).*

13           “(II) *DILUTE.*—*The term ‘dilute’*  
14 *means a concentration of less than 1*  
15 *percent by volume.*

16           “(III) *DIRECT AIR CAPTURE.*—

17           “(aa) *IN GENERAL.*—*The*  
18 *term ‘direct air capture’, with re-*  
19 *spect to a facility, technology, or*  
20 *system, means that the facility,*  
21 *technology, or system uses carbon*  
22 *capture equipment to capture car-*  
23 *bon dioxide directly from the air.*

24           “(bb) *EXCLUSION.*—*The term*  
25 *‘direct air capture’ does not in-*

1                    *clude any facility, technology, or*  
2                    *system that captures carbon diox-*  
3                    *ide—*

4                    *“(AA) that is delib-*  
5                    *erately released from a natu-*  
6                    *rally occurring subsurface*  
7                    *spring; or*

8                    *“(BB) using natural*  
9                    *photosynthesis.*

10                    *“(IV) INTELLECTUAL PROP-*  
11                    *ERTY.—The term ‘intellectual property’*  
12                    *means—*

13                    *“(aa) an invention that is*  
14                    *patentable under title 35, United*  
15                    *States Code; and*

16                    *“(bb) any patent on an in-*  
17                    *vention described in item (aa).*

18                    *“(ii) TECHNOLOGY PRIZES.—*

19                    *“(I) IN GENERAL.—Not later than*  
20                    *1 year after the date of enactment of*  
21                    *the America’s Transportation Infra-*  
22                    *structure Act of 2019, the Adminis-*  
23                    *trator, in consultation with the Sec-*  
24                    *retary of Energy, shall establish a pro-*  
25                    *gram to provide, and shall provide, fi-*

1            *nancial awards on a competitive basis*  
2            *for direct air capture from media in*  
3            *which the concentration of carbon diox-*  
4            *ide is dilute.*

5            “(II) *DUTIES.—In carrying out*  
6            *this clause, the Administrator shall—*

7                    “(aa) *subject to subclause*  
8                    *(III), develop specific require-*  
9                    *ments for—*

10                    “(AA) *the competition*  
11                    *process; and*

12                    “(BB) *the demonstra-*  
13                    *tion of performance of ap-*  
14                    *proved projects;*

15                    “(bb) *offer financial awards*  
16                    *for a project designed—*

17                    “(AA) *to the maximum*  
18                    *extent practicable, to capture*  
19                    *more than 10,000 tons of car-*  
20                    *bon dioxide per year; and*

21                    “(BB) *to operate in a*  
22                    *manner that would be com-*  
23                    *mercially viable in the fore-*  
24                    *seeable future (as determined*  
25                    *by the Board); and*

1           “(cc) to the maximum extent  
2           practicable, make financial  
3           awards to geographically diverse  
4           projects, including at least—

5                   “(AA) 1 project in a  
6                   coastal State; and

7                   “(BB) 1 project in a  
8                   rural State.

9           “(III) PUBLIC PARTICIPATION.—  
10           In carrying out subclause (II)(aa), the  
11           Administrator shall—

12                   “(aa) provide notice of and,  
13                   for a period of not less than 60  
14                   days, an opportunity for public  
15                   comment on, any draft or pro-  
16                   posed version of the requirements  
17                   described in subclause (II)(aa);  
18                   and

19                   “(bb) take into account pub-  
20                   lic comments received in devel-  
21                   oping the final version of those re-  
22                   quirements.

23           “(iii) DIRECT AIR CAPTURE TECH-  
24           NOLOGY ADVISORY BOARD.—

1                   “(I) *ESTABLISHMENT.*—*There is*  
2                   *established an advisory board to be*  
3                   *known as the ‘Direct Air Capture*  
4                   *Technology Advisory Board’.*

5                   “(II) *COMPOSITION.*—*The Board*  
6                   *shall be composed of 9 members ap-*  
7                   *pointed by the Administrator, who*  
8                   *shall provide expertise in—*

9                                 “(aa) *climate science;*

10                                “(bb) *physics;*

11                               “(cc) *chemistry;*

12                               “(dd) *biology;*

13                               “(ee) *engineering;*

14                               “(ff) *economics;*

15                               “(gg) *business management;*

16                               *and*

17                               “(hh) *such other disciplines*  
18                   *as the Administrator determines*  
19                   *to be necessary to achieve the pur-*  
20                   *poses of this subparagraph.*

21                   “(III) *TERM; VACANCIES.*—

22                               “(aa) *TERM.*—*A member of*  
23                   *the Board shall serve for a term of*  
24                   *6 years.*

1                   “(bb) VACANCIES.—A va-  
2                   cancy on the Board—

3                   “(AA) shall not affect  
4                   the powers of the Board; and

5                   “(BB) shall be filled in  
6                   the same manner as the  
7                   original appointment was  
8                   made.

9                   “(IV) INITIAL MEETING.—Not  
10                  later than 30 days after the date on  
11                  which all members of the Board have  
12                  been appointed, the Board shall hold  
13                  the initial meeting of the Board.

14                  “(V) MEETINGS.—The Board  
15                  shall meet at the call of the Chair-  
16                  person or on the request of the Admin-  
17                  istrator.

18                  “(VI) QUORUM.—A majority of  
19                  the members of the Board shall con-  
20                  stitute a quorum, but a lesser number  
21                  of members may hold hearings.

22                  “(VII) CHAIRPERSON AND VICE  
23                  CHAIRPERSON.—The Board shall select  
24                  a Chairperson and Vice Chairperson  
25                  from among the members of the Board.

1           “(VIII) *COMPENSATION.*—*Each*  
2           *member of the Board may be com-*  
3           *pensated at not to exceed the daily*  
4           *equivalent of the annual rate of basic*  
5           *pay in effect for a position at level V*  
6           *of the Executive Schedule under section*  
7           *5316 of title 5, United States Code, for*  
8           *each day during which the member is*  
9           *engaged in the actual performance of*  
10           *the duties of the Board.*

11           “(IX) *DUTIES.*—*The Board shall*  
12           *advise the Administrator on carrying*  
13           *out the duties of the Administrator*  
14           *under this subparagraph.*

15           “(X) *FACA.*—*The Federal Advi-*  
16           *sory Committee Act (5 U.S.C. App.)*  
17           *shall apply to the Board.*

18           “(iv) *INTELLECTUAL PROPERTY.*—

19           “(I) *IN GENERAL.*—*As a condi-*  
20           *tion of receiving a financial award*  
21           *under this subparagraph, an applicant*  
22           *shall agree to vest the intellectual prop-*  
23           *erty of the applicant derived from the*  
24           *technology in 1 or more entities that*  
25           *are incorporated in the United States.*

1                   “(II) *RESERVATION OF LI-*  
2                   *CENSE.—The United States—*

3                   “(aa) *may reserve a non-*  
4                   *exclusive, nontransferable, irrev-*  
5                   *ocable, paid-up license, to have*  
6                   *practiced for or on behalf of the*  
7                   *United States, in connection with*  
8                   *any intellectual property de-*  
9                   *scribed in subclause (I); but*

10                   “(bb) *shall not, in the exer-*  
11                   *cise of a license reserved under*  
12                   *item (aa), publicly disclose pro-*  
13                   *prietary information relating to*  
14                   *the license.*

15                   “(III) *TRANSFER OF TITLE.—*  
16                   *Title to any intellectual property de-*  
17                   *scribed in subclause (I) shall not be*  
18                   *transferred or passed, except to an en-*  
19                   *tity that is incorporated in the United*  
20                   *States, until the expiration of the first*  
21                   *patent obtained in connection with the*  
22                   *intellectual property.*

23                   “(v) *AUTHORIZATION OF APPROPRIA-*  
24                   *TIONS.—*

1           “(I) *IN GENERAL.*—*There is au-*  
2           *thorized to be appropriated to carry*  
3           *out this subparagraph \$35,000,000, to*  
4           *remain available until expended.*

5           “(II) *REQUIREMENT.*—*Research*  
6           *carried out using amounts made avail-*  
7           *able under subclause (I) may not du-*  
8           *plicate research funded by the Depart-*  
9           *ment of Energy.*

10          “(vi) *TERMINATION OF AUTHORITY.*—  
11          *The Board and all authority provided*  
12          *under this subparagraph shall terminate*  
13          *not later than 10 years after the date of en-*  
14          *actment of the America’s Transportation*  
15          *Infrastructure Act of 2019.*

16          “(C) *CARBON DIOXIDE UTILIZATION RE-*  
17          *SEARCH.*—

18                 “(i) *DEFINITION OF CARBON DIOXIDE*  
19                 *UTILIZATION.*—*In this subparagraph, the*  
20                 *term ‘carbon dioxide utilization’ refers to*  
21                 *technologies or approaches that lead to the*  
22                 *use of carbon dioxide—*

23                         “(I) *through the fixation of carbon*  
24                         *dioxide through photosynthesis or*

1                   *chemosynthesis, such as through the*  
2                   *growing of algae or bacteria;*

3                   “(II) *through the chemical conver-*  
4                   *sion of carbon dioxide to a material or*  
5                   *chemical compound in which the car-*  
6                   *bon dioxide is securely stored; or*

7                   “(III) *through the use of carbon*  
8                   *dioxide for any other purpose for*  
9                   *which a commercial market exists, as*  
10                  *determined by the Administrator.*

11                  “(ii) *PROGRAM.—The Administrator,*  
12                  *in consultation with the Secretary of En-*  
13                  *ergy, shall carry out a research and devel-*  
14                  *opment program for carbon dioxide utiliza-*  
15                  *tion to promote existing and new tech-*  
16                  *nologies that transform carbon dioxide gen-*  
17                  *erated by industrial processes into a prod-*  
18                  *uct of commercial value, or as an input to*  
19                  *products of commercial value.*

20                  “(iii) *TECHNICAL AND FINANCIAL AS-*  
21                  *SISTANCE.—Not later than 2 years after the*  
22                  *date of enactment of the America’s Trans-*  
23                  *portation Infrastructure Act of 2019, in*  
24                  *carrying out this subsection, the Adminis-*  
25                  *trator, in consultation with the Secretary of*

1           *Energy, shall support research and infra-*  
2           *structure activities relating to carbon diox-*  
3           *ide utilization by providing technical assist-*  
4           *ance and financial assistance in accordance*  
5           *with clause (iv).*

6           “(iv) *ELIGIBILITY.—To be eligible to*  
7           *receive technical assistance and financial*  
8           *assistance under clause (iii), a carbon diox-*  
9           *ide utilization project shall—*

10           “(I) *have access to an emissions*  
11           *stream generated by a stationary*  
12           *source within the United States that is*  
13           *capable of supplying not less than 250*  
14           *metric tons per day of carbon dioxide*  
15           *for research;*

16           “(II) *have access to adequate*  
17           *space for a laboratory and equipment*  
18           *for testing small-scale carbon dioxide*  
19           *utilization technologies, with onsite ac-*  
20           *cess to larger test bays for scale-up;*  
21           *and*

22           “(III) *have existing partnerships*  
23           *with institutions of higher education,*  
24           *private companies, States, or other*  
25           *government entities.*

1           “(v) *COORDINATION.*—*In supporting*  
2           *carbon dioxide utilization projects under*  
3           *this paragraph, the Administrator shall*  
4           *consult with the Secretary of Energy, and,*  
5           *as appropriate, with the head of any other*  
6           *relevant Federal agency, States, the private*  
7           *sector, and institutions of higher education*  
8           *to develop methods and technologies to ac-*  
9           *count for the carbon dioxide emissions*  
10           *avoided by the carbon dioxide utilization*  
11           *projects.*

12           “(vi) *AUTHORIZATION OF APPROPRIA-*  
13           *TIONS.*—

14           “(I) *IN GENERAL.*—*There is au-*  
15           *thorized to be appropriated to carry*  
16           *out this subparagraph \$50,000,000, to*  
17           *remain available until expended.*

18           “(II) *REQUIREMENT.*—*Research*  
19           *carried out using amounts made avail-*  
20           *able under subclause (I) may not du-*  
21           *plicate research funded by the Depart-*  
22           *ment of Energy.*

23           “(D) *DEEP SALINE FORMATION REPORT.*—

24           “(i) *DEFINITION OF DEEP SALINE FOR-*  
25           *MATION.*—

1                   “(I) *IN GENERAL.*—*In this sub-*  
2                   *paragraph, the term ‘deep saline for-*  
3                   *mation’ means a formation of sub-*  
4                   *surface geographically extensive sedi-*  
5                   *mentary rock layers saturated with*  
6                   *waters or brines that have a high total*  
7                   *dissolved solids content and that are*  
8                   *below the depth where carbon dioxide*  
9                   *can exist in the formation as a super-*  
10                   *critical fluid.*

11                   “(II) *CLARIFICATION.*—*In this*  
12                   *subparagraph, the term ‘deep saline*  
13                   *formation’ does not include oil and gas*  
14                   *reservoirs.*

15                   “(ii) *REPORT.*—*In consultation with*  
16                   *the Secretary of Energy, and, as appro-*  
17                   *priate, with the head of any other relevant*  
18                   *Federal agency and relevant stakeholders,*  
19                   *not later than 1 year after the date of enact-*  
20                   *ment of the America’s Transportation In-*  
21                   *frastructure Act of 2019, the Administrator*  
22                   *shall prepare, submit to Congress, and make*  
23                   *publicly available a report that includes—*

24                   “(I) *a comprehensive identifica-*  
25                   *tion of potential risks and benefits to*

1            *project developers associated with in-*  
2            *creased storage of carbon dioxide cap-*  
3            *tured from stationary sources in deep*  
4            *saline formations, using existing re-*  
5            *search;*

6            *“(II) recommendations, if any, for*  
7            *managing the potential risks identified*  
8            *under subclause (I), including poten-*  
9            *tial risks unique to public land; and*

10           *“(III) recommendations, if any,*  
11           *for Federal legislation or other policy*  
12           *changes to mitigate any potential risks*  
13           *identified under subclause (I).*

14           *“(E) REPORT ON CARBON DIOXIDE NON-*  
15           *REGULATORY STRATEGIES AND TECH-*  
16           *NOLOGIES.—*

17           *“(i) IN GENERAL.—Not less frequently*  
18           *than once every 2 years, the Administrator*  
19           *shall submit to the Committee on Environ-*  
20           *ment and Public Works of the Senate and*  
21           *the Committee on Energy and Commerce of*  
22           *the House of Representatives a report that*  
23           *describes—*

24           *“(I) the recipients of assistance*  
25           *under subparagraphs (B) and (C); and*

1           “(II) a plan for supporting addi-  
2           tional nonregulatory strategies and  
3           technologies that could significantly  
4           prevent carbon dioxide emissions or re-  
5           duce carbon dioxide levels in the air,  
6           in conjunction with other Federal  
7           agencies.

8           “(ii) INCLUSIONS.—The plan sub-  
9           mitted under clause (i) shall include—

10           “(I) a methodology for evaluating  
11           and ranking technologies based on the  
12           ability of the technologies to cost effec-  
13           tively reduce carbon dioxide emissions  
14           or carbon dioxide levels in the air; and

15           “(II) a description of any nonair-  
16           related environmental or energy con-  
17           siderations regarding the technologies.

18           “(F) GAO REPORT.—The Comptroller Gen-  
19           eral of the United States shall submit to Con-  
20           gress a report that—

21           “(i) identifies all Federal grant pro-  
22           grams in which a purpose of a grant under  
23           the program is to perform research on car-  
24           bon capture and utilization technologies, in-  
25           cluding direct air capture technologies; and

1                   “(ii) examines the extent to which the  
2                   Federal grant programs identified pursuant  
3                   to clause (i) overlap or are duplicative.”.

4           (b) *REPORT.*—Not later than 1 year after the date of  
5 enactment of this Act, the Administrator of the Environ-  
6 mental Protection Agency (referred to in this subsection as  
7 the “Administrator”) shall submit to Congress a report de-  
8 scribing how funds appropriated to the Administrator dur-  
9 ing the 5 most recent fiscal years have been used to carry  
10 out section 103 of the Clean Air Act (42 U.S.C. 7403), in-  
11 cluding a description of—

12                   (1) the amount of funds used to carry out spe-  
13                   cific provisions of that section; and

14                   (2) the practices used by the Administrator to  
15                   differentiate funding used to carry out that section, as  
16                   compared to funding used to carry out other provi-  
17                   sions of law.

18           (c) *INCLUSION OF CARBON CAPTURE INFRASTRUC-*  
19 *TURE PROJECTS.*—Section 41001(6) of the FAST Act (42  
20 U.S.C. 4370m(6)) is amended—

21                   (1) in subparagraph (A)—

22                           (A) in the matter preceding clause (i), by  
23                           inserting “carbon capture,” after “manufac-  
24                           turing,”;

1           (B) in clause (i)(III), by striking “or” at  
2           the end;

3           (C) by redesignating clause (ii) as clause  
4           (iii); and

5           (D) by inserting after clause (i) the fol-  
6           lowing:

7                   “(ii) is covered by a programmatic  
8                   plan or environmental review developed for  
9                   the primary purpose of facilitating develop-  
10                  ment of carbon dioxide pipelines; or”; and  
11           (2) by adding at the end the following:

12                   “(C) INCLUSION.—For purposes of subpara-  
13                  graph (A), construction of infrastructure for car-  
14                  bon capture includes construction of—

15                           “(i) any facility, technology, or system  
16                           that captures, utilizes, or sequesters carbon  
17                           dioxide emissions, including projects for di-  
18                           rect air capture (as defined in paragraph  
19                           (6)(B)(i) of section 103(g) of the Clean Air  
20                           Act (42 U.S.C. 7403(g)); and

21                           “(ii) carbon dioxide pipelines.”.

22           (d) DEVELOPMENT OF CARBON CAPTURE, UTILIZA-  
23           TION, AND SEQUESTRATION REPORT, PERMITTING GUID-  
24           ANCE, AND REGIONAL PERMITTING TASK FORCE.—

25                   (1) DEFINITIONS.—In this subsection:

1           (A) *CARBON CAPTURE, UTILIZATION, AND*  
2           *SEQUESTRATION PROJECTS.*—*The term “carbon*  
3           *capture, utilization, and sequestration projects”*  
4           *includes projects for direct air capture (as de-*  
5           *finied in paragraph (6)(B)(i) of section 103(g) of*  
6           *the Clean Air Act (42 U.S.C. 7403(g)).*

7           (B) *EFFICIENT, ORDERLY, AND RESPON-*  
8           *SIBLE.*—*The term “efficient, orderly, and respon-*  
9           *sible” means, with respect to development or the*  
10          *permitting process for carbon capture, utiliza-*  
11          *tion, and sequestration projects and carbon diox-*  
12          *ide pipelines, a process that is completed in an*  
13          *expeditious manner while maintaining environ-*  
14          *mental, health, and safety protections.*

15          (2) *REPORT.*—

16               (A) *IN GENERAL.*—*Not later than 180 days*  
17               *after the date of enactment of this Act, the Chair*  
18               *of the Council on Environmental Quality (re-*  
19               *ferred to in this subsection as the “Chair”), in*  
20               *consultation with the Administrator of the Envi-*  
21               *ronmental Protection Agency, the Secretary of*  
22               *Energy, the Secretary of the Interior, the Execu-*  
23               *tive Director of the Federal Permitting Improve-*  
24               *ment Council, and the head of any other relevant*

1           *Federal agency (as determined by the President),*  
2           *shall prepare a report that—*

3                   *(i) compiles all existing relevant Fed-*  
4                   *eral permitting and review information and*  
5                   *resources for project applicants, agencies,*  
6                   *and other stakeholders interested in the de-*  
7                   *ployment of carbon capture, utilization, and*  
8                   *sequestration projects and carbon dioxide*  
9                   *pipelines, including—*

10                           *(I) the appropriate points of*  
11                           *interaction with Federal agencies;*

12                           *(II) clarification of the permitting*  
13                           *responsibilities and authorities among*  
14                           *Federal agencies; and*

15                           *(III) best practices and templates*  
16                           *for permitting;*

17                   *(ii) inventories current or emerging ac-*  
18                   *tivities that transform captured carbon di-*  
19                   *oxide into a product of commercial value, or*  
20                   *as an input to products of commercial*  
21                   *value;*

22                   *(iii) inventories existing initiatives*  
23                   *and recent publications that analyze or*  
24                   *identify priority carbon dioxide pipelines*  
25                   *needed to enable efficient, orderly, and re-*

1            *sponsible development of carbon capture,*  
2            *utilization, and sequestration projects at in-*  
3            *creased scale;*

4            *(iv) identifies gaps in the current Fed-*  
5            *eral regulatory framework for the deploy-*  
6            *ment of carbon capture, utilization, and se-*  
7            *questration projects and carbon dioxide*  
8            *pipelines; and*

9            *(v) identifies Federal financing mecha-*  
10           *nisms available to project developers.*

11           *(B) SUBMISSION; PUBLICATION.—The Chair*  
12           *shall—*

13           *(i) submit the report under subpara-*  
14           *graph (A) to the Committee on Environ-*  
15           *ment and Public Works of the Senate and*  
16           *the Committee on Energy and Commerce of*  
17           *the House of Representatives; and*

18           *(ii) as soon as practicable, make the*  
19           *report publicly available.*

20           *(3) GUIDANCE.—*

21           *(A) IN GENERAL.—After submission of the*  
22           *report under paragraph (2)(B), but not later*  
23           *than 1 year after the date of enactment of this*  
24           *Act, the Chair shall submit guidance consistent*

1           with that report to all relevant Federal agencies  
2           that—

3                   (i) facilitates reviews associated with  
4                   the deployment of carbon capture, utiliza-  
5                   tion, and sequestration projects and carbon  
6                   dioxide pipelines; and

7                   (ii) supports the efficient, orderly, and  
8                   responsible development of carbon capture,  
9                   utilization, and sequestration projects and  
10                  carbon dioxide pipelines.

11          (B) REQUIREMENTS.—

12                  (i) IN GENERAL.—The guidance under  
13                  subparagraph (A) shall address require-  
14                  ments under—

15                          (I) the National Environmental  
16                          Policy Act of 1969 (42 U.S.C. 4321 et  
17                          seq.);

18                          (II) the Federal Water Pollution  
19                          Control Act (33 U.S.C. 1251 et seq.);

20                          (III) the Clean Air Act (42 U.S.C.  
21                          7401 et seq.);

22                          (IV) the Safe Drinking Water Act  
23                          (42 U.S.C. 300f et seq.);

24                          (V) the Endangered Species Act of  
25                          1973 (16 U.S.C. 1531 et seq.);

1                   (VI) *division A of subtitle III of*  
2                   *title 54, United States Code (formerly*  
3                   *known as the “National Historic Pres-*  
4                   *ervation Act”);*

5                   (VII) *the Migratory Bird Treaty*  
6                   *Act (16 U.S.C. 703 et seq.);*

7                   (VIII) *the Act of June 8, 1940 (16*  
8                   *U.S.C. 668 et seq.) (commonly known*  
9                   *as the “Bald and Golden Eagle Protec-*  
10                   *tion Act”); and*

11                   (IX) *any other Federal law that*  
12                   *the Chair determines to be appro-*  
13                   *priate.*

14                   (ii) *ENVIRONMENTAL REVIEWS.—The*  
15                   *guidance under subparagraph (A) shall in-*  
16                   *clude direction to States and other inter-*  
17                   *ested parties for the development of pro-*  
18                   *grammatic environmental reviews under the*  
19                   *National Environmental Policy Act of 1969*  
20                   *(42 U.S.C. 4321 et seq.) for carbon capture,*  
21                   *utilization, and sequestration projects and*  
22                   *carbon dioxide pipelines.*

23                   (iii) *PUBLIC INVOLVEMENT.—The*  
24                   *guidance under subparagraph (A) shall be*  
25                   *subject to the public notice, comment, and*

1           *solicitation of information procedures under*  
2           *section 1506.6 of title 40, Code of Federal*  
3           *Regulations (or a successor regulation).*

4           (C) *SUBMISSION; PUBLICATION.—The Chair*  
5           *shall—*

6                   (i) *submit the guidance under subpara-*  
7                   *graph (A) to the Committee on Environ-*  
8                   *ment and Public Works of the Senate and*  
9                   *the Committee on Energy and Commerce of*  
10                  *the House of Representatives; and*

11                  (ii) *as soon as practicable, make the*  
12                  *guidance publicly available.*

13           (D) *EVALUATION.—The Chair shall—*

14                   (i) *periodically evaluate the reports of*  
15                   *the task forces under paragraph (4)(E) and,*  
16                   *as necessary, revise the guidance under sub-*  
17                   *paragraph (A); and*

18                   (ii) *each year, submit to the Committee*  
19                   *on Environment and Public Works of the*  
20                   *Senate, the Committee on Energy and Com-*  
21                   *merce of the House of Representatives, and*  
22                   *relevant Federal agencies a report that de-*  
23                   *scribes any recommendations for legislation,*  
24                   *rules, revisions to rules, or other policies*

1           that would address the issues identified by  
2           the task forces under paragraph (4)(E).

3           (4) *TASK FORCE.*—

4           (A) *ESTABLISHMENT.*—Not later than 18  
5           months after the date of enactment of this Act,  
6           the Chair shall establish not less than 2 task  
7           forces, which shall each cover a different geo-  
8           graphical area with differing demographic, land  
9           use, or geological issues—

10           (i) to identify permitting and other  
11           challenges and successes that permitting au-  
12           thorities and project developers and opera-  
13           tors face; and

14           (ii) to improve the performance of the  
15           permitting process and regional coordina-  
16           tion for the purpose of promoting the effi-  
17           cient, orderly, and responsible development  
18           of carbon capture, utilization, and seques-  
19           tration projects and carbon dioxide pipe-  
20           lines.

21           (B) *MEMBERS AND SELECTION.*—

22           (i) *IN GENERAL.*—The Chair shall—

23           (I) develop criteria for the selec-  
24           tion of members to each task force; and

1                   (ii) select members for each task  
2 force in accordance with subclause (I)  
3 and clause (i).

4                   (i) MEMBERS.—Each task force—

5                   (I) shall include not less than 1  
6 representative of each of—

7                   (aa) the Environmental Pro-  
8 tection Agency;

9                   (bb) the Department of En-  
10 ergy;

11                   (cc) the Department of the  
12 Interior;

13                   (dd) any other Federal agen-  
14 cy the Chair determines to be ap-  
15 propriate;

16                   (ee) any State that requests  
17 participation in the geographical  
18 area covered by the task force;

19                   (ff) developers or operators of  
20 carbon capture, utilization, and  
21 sequestration projects or carbon  
22 dioxide pipelines; and

23                   (gg) nongovernmental mem-  
24 bership organizations, the pri-

1                    *mary mission of which concerns*  
 2                    *protection of the environment; and*  
 3                    *(II) at the request of a Tribal or*  
 4                    *local government, may include a rep-*  
 5                    *resentative of—*

6                    *(aa) not less than 1 local*  
 7                    *government in the geographical*  
 8                    *area covered by the task force; and*

9                    *(bb) not less than 1 Tribal*  
 10                    *government in the geographical*  
 11                    *area covered by the task force.*

12                    *(C) MEETINGS.—*

13                    *(i) IN GENERAL.—Each task force shall*  
 14                    *meet not less than twice each year.*

15                    *(ii) JOINT MEETING.—To the max-*  
 16                    *imum extent practicable, the task forces*  
 17                    *shall meet collectively not less than once*  
 18                    *each year.*

19                    *(D) DUTIES.—Each task force shall—*

20                    *(i) inventory existing or potential Fed-*  
 21                    *eral and State approaches to facilitate re-*  
 22                    *views associated with the deployment of car-*  
 23                    *bon capture, utilization, and sequestration*  
 24                    *projects and carbon dioxide pipelines, in-*  
 25                    *cluding best practices that—*

- 1                   (I) avoid duplicative reviews;
- 2                   (II) engage stakeholders early in
- 3                   the permitting process; and
- 4                   (III) make the permitting process
- 5                   efficient, orderly, and responsible;
- 6                   (ii) develop common models for State-
- 7                   level carbon dioxide pipeline regulation and
- 8                   oversight guidelines that can be shared with
- 9                   States in the geographical area covered by
- 10                  the task force;
- 11                  (iii) provide technical assistance to
- 12                  States in the geographical area covered by
- 13                  the task force in implementing regulatory
- 14                  requirements and any models developed
- 15                  under clause (ii);
- 16                  (iv) inventory current or emerging ac-
- 17                  tivities that transform captured carbon di-
- 18                  oxide into a product of commercial value, or
- 19                  as an input to products of commercial
- 20                  value;
- 21                  (v) identify any priority carbon diox-
- 22                  ide pipelines needed to enable efficient, or-
- 23                  derly, and responsible development of car-
- 24                  bon capture, utilization, and sequestration
- 25                  projects at increased scale;

1           (vi) identify gaps in the current Fed-  
2           eral and State regulatory framework and in  
3           existing data for the deployment of carbon  
4           capture, utilization, and sequestration  
5           projects and carbon dioxide pipelines;

6           (vii) identify Federal and State fi-  
7           nancing mechanisms available to project de-  
8           velopers; and

9           (viii) develop recommendations for rel-  
10          evant Federal agencies on how to develop  
11          and research technologies that—

12                 (I) can capture carbon dioxide;

13                 and

14                 (II) would be able to be deployed  
15                 within the region covered by the task  
16                 force, including any projects that have  
17                 received technical or financial assist-  
18                 ance for research under paragraph (6)  
19                 of section 103(g) of the Clean Air Act  
20                 (42 U.S.C. 7403(g)).

21           (E) REPORT.—Each year, each task force  
22           shall prepare and submit to the Chair and to the  
23           other task forces a report that includes—

24                 (i) any recommendations for improve-  
25                 ments in efficient, orderly, and responsible

1            *issuance or administration of Federal per-*  
2            *mits and other Federal authorizations re-*  
3            *quired under a law described in paragraph*  
4            *(3)(B)(i); and*

5            *(ii) any other nationally relevant in-*  
6            *formation that the task force has collected in*  
7            *carrying out the duties under subparagraph*  
8            *(D).*

9            *(F) EVALUATION.—Not later than 5 years*  
10           *after the date of enactment of this Act, the Chair*  
11           *shall—*

12           *(i) reevaluate the need for the task*  
13           *forces; and*

14           *(ii) submit to Congress a recommenda-*  
15           *tion as to whether the task forces should*  
16           *continue.*

17 **SEC. 1407. PROMOTING RESILIENT OPERATIONS FOR**  
18 **TRANSFORMATIVE, EFFICIENT, AND COST-**  
19 **SAVING TRANSPORTATION (PROTECT) GRANT**  
20 **PROGRAM.**

21           *(a) IN GENERAL.—Chapter 1 of title 23, United States*  
22 *Code (as amended by section 1403(a)), is amended by add-*  
23 *ing at the end the following:*

1 **“§179. Promoting Resilient Operations for Trans-**  
2 **formative, Efficient, and Cost-saving**  
3 **Transportation (PROTECT) grant pro-**  
4 **gram**

5 “(a) *DEFINITIONS.—In this section:*

6 “(1) *EMERGENCY EVENT.—The term ‘emergency*  
7 *event’ means a natural disaster or catastrophic fail-*  
8 *ure resulting in—*

9 “(A) *an emergency declared by the Governor*  
10 *of the State in which the disaster or failure oc-*  
11 *curred; or*

12 “(B) *an emergency or disaster declared by*  
13 *the President.*

14 “(2) *EVACUATION ROUTE.—The term ‘evacuation*  
15 *route’ means a transportation route or system that—*

16 “(A) *is owned, operated, or maintained by*  
17 *a Federal, State, Tribal, or local government or*  
18 *a private entity;*

19 “(B) *is used—*

20 “(i) *to transport the public away from*  
21 *emergency events; or*

22 “(ii) *to transport emergency responders*  
23 *and recovery resources; and*

24 “(C) *is designated by the eligible entity*  
25 *with jurisdiction over the area in which the*

1           *route is located for the purposes described in sub-*  
2           *paragraph (B).*

3           “(3) *PROGRAM.*—*The term ‘program’ means the*  
4           *grant program established under subsection (b)(1).*

5           “(4) *RESILIENCE IMPROVEMENT.*—*The term ‘re-*  
6           *silience improvement’ means the use of materials or*  
7           *structural or nonstructural techniques, including nat-*  
8           *ural infrastructure—*

9           “(A) *that allow a project—*

10           “(i) *to better anticipate, prepare for,*  
11           *and adapt to changing conditions and to*  
12           *withstand and respond to disruptions; and*

13           “(ii) *to be better able to continue to*  
14           *serve the primary function of the project*  
15           *during and after weather events and nat-*  
16           *ural disasters for the expected life of the*  
17           *project; or*

18           “(B) *that—*

19           “(i) *reduce the magnitude and dura-*  
20           *tion of impacts of current and future weath-*  
21           *er events and natural disasters to a project;*  
22           *or*

23           “(ii) *have the absorptive capacity,*  
24           *adaptive capacity, and recoverability to de-*

1                   crease project vulnerability to current and  
2                   future weather events or natural disasters.

3           “(b) *ESTABLISHMENT.*—

4                   “(1) *IN GENERAL.*—The Secretary shall establish  
5                   a grant program, to be known as the ‘Promoting Re-  
6                   silient Operations for Transformative, Efficient, and  
7                   Cost-saving Transportation grant program’ or the  
8                   ‘*PROTECT* grant program’.

9                   “(2) *PURPOSE.*—The purpose of the program is  
10                  to provide grants for resilience improvements  
11                  through—

12                   “(A) formula funding distributed to States;

13                   “(B) competitive planning grants to enable  
14                   communities to assess vulnerabilities to current  
15                   and future weather events and natural disasters  
16                   and changing conditions, including sea level rise,  
17                   and plan infrastructure improvements and emer-  
18                   gency response strategies to address those  
19                   vulnerabilities; and

20                   “(C) competitive resilience improvement  
21                   grants to protect—

22                   “(i) infrastructure assets by making  
23                   the assets more resilient to current and fu-  
24                   ture weather events and natural disasters,  
25                   such as severe storms, flooding, drought,

1            *levee and dam failures, wildfire, rockslides,*  
2            *mudslides, sea level rise, extreme weather,*  
3            *including extreme temperature, and earth-*  
4            *quakes;*

5            *“(ii) communities through resilience*  
6            *improvements and strategies that allow for*  
7            *the continued operation or rapid recovery of*  
8            *surface transportation systems that—*

9            *“(I) serve critical local, regional,*  
10           *and national needs, including evacu-*  
11           *ation routes; and*

12           *“(II) provide access or service to*  
13           *hospitals and other medical or emer-*  
14           *gency service facilities, major employ-*  
15           *ers, critical manufacturing centers,*  
16           *ports and intermodal facilities, utili-*  
17           *ties, and Federal facilities;*

18           *“(iii) coastal infrastructure, such as a*  
19           *tide gate, that is at long-term risk to sea*  
20           *level rise; and*

21           *“(iv) natural infrastructure that pro-*  
22           *TECTS and enhances surface transportation*  
23           *assets while improving ecosystem condi-*  
24           *tions, including culverts that ensure ade-*  
25           *quate flows in rivers and estuarine systems.*

1       “(c) *FORMULA AWARDS.*—

2               “(1) *DISTRIBUTION OF FUNDS TO STATES.*—

3                       “(A) *IN GENERAL.*—*For each fiscal year,*  
4                       *the Secretary shall distribute among the States*  
5                       *the amounts made available to carry out this*  
6                       *subsection for that fiscal year in accordance with*  
7                       *subparagraph (B).*

8                       “(B) *DISTRIBUTION.*—*The amount for each*  
9                       *State shall be determined by multiplying the*  
10                      *total amount made available to carry out this*  
11                      *subsection for the applicable fiscal year by the*  
12                      *ratio that—*

13                               “(i) *the total base apportionment for*  
14                               *the State under section 104(c); bears to*

15                               “(ii) *the total base apportionments for*  
16                               *all States under section 104(c).*

17       “(2) *ELIGIBLE ACTIVITIES.*—

18                       “(A) *IN GENERAL.*—*Except as provided in*  
19                       *subparagraph (B), a State shall use funds made*  
20                       *available under paragraph (1) to carry out ac-*  
21                       *tivities eligible under subparagraph (A), (B), or*  
22                       *(C) of subsection (d)(4).*

23                       “(B) *PLANNING SET-ASIDE.*—*Of the*  
24                       *amounts made available to each State under*  
25                       *paragraph (1) for each fiscal year, not less than*

1           2 percent shall be for activities described in sub-  
2           section (d)(3).

3           “(3) *REQUIREMENTS.*—

4                   “(A) *PROJECTS IN CERTAIN AREAS.*—If a  
5           project under this subsection is carried out, in  
6           whole or in part, within a base floodplain, the  
7           State shall—

8                           “(i) identify the base floodplain in  
9                           which the project is to be located and dis-  
10                          close that information to the Secretary; and

11                           “(ii) indicate to the Secretary whether  
12                          the State plans to implement 1 or more  
13                          components of the risk mitigation plan  
14                          under section 322 of the Robert T. Stafford  
15                          Disaster Relief and Emergency Assistance  
16                          Act (42 U.S.C. 5165) with respect to the  
17                          area.

18                   “(B) *ELIGIBILITIES.*—A State shall use  
19           funds made available under paragraph (1) for—

20                           “(i) a highway project eligible for as-  
21                          sistance under this title;

22                           “(ii) a public transportation facility  
23                          or service eligible for assistance under chap-  
24                          ter 53 of title 49;

1           “(iii) a facility or service for intercity  
2 rail passenger transportation (as defined in  
3 section 24102 of title 49); or

4           “(iv) a port facility, including a facil-  
5 ity that—

6                   “(I) connects a port to other  
7 modes of transportation;

8                   “(II) improves the efficiency of  
9 evacuations and disaster relief; or

10                   “(III) aids transportation.

11           “(C) *SYSTEM RESILIENCE*.—A project car-  
12 ried out by a State with funds made available  
13 under this subsection may include the use of nat-  
14 ural infrastructure or the construction or modi-  
15 fication of storm surge, flood protection, or  
16 aquatic ecosystem restoration elements that are  
17 functionally connected to a transportation im-  
18 provement, such as—

19                   “(i) increasing marsh health and total  
20 area adjacent to a highway right-of-way to  
21 promote additional flood storage;

22                   “(ii) upgrades to and installing of cul-  
23 verts designed to withstand 100-year flood  
24 events;

1           “(iii) upgrades to and installation of  
2           tide gates to protect highways; and

3           “(iv) upgrades to and installation of  
4           flood gates to protect tunnel entrances.

5           “(D) FEDERAL COST SHARE.—

6           “(i) IN GENERAL.—Except as provided  
7           in subsection (f)(1), the Federal share of the  
8           cost of a project carried out using funds  
9           made available under paragraph (1) shall  
10          not exceed 80 percent of the total project  
11          cost.

12          “(ii) NON-FEDERAL SHARE.—A State  
13          may use Federal funds other than Federal  
14          funds made available under this subsection  
15          to meet the non-Federal cost share require-  
16          ment for a project under this subsection.

17          “(E) ELIGIBLE PROJECT COSTS.—

18          “(i) IN GENERAL.—Except as provided  
19          in clause (ii), eligible project costs for ac-  
20          tivities carried out by a State with funds  
21          made available under paragraph (1) may  
22          include the costs of—

23                  “(I) development phase activities,  
24                  including planning, feasibility anal-  
25                  ysis, revenue forecasting, environ-

1            *mental review, preliminary engineer-*  
2            *ing and design work, and other*  
3            *preconstruction activities; and*

4            *“(II) construction, reconstruction,*  
5            *rehabilitation, and acquisition of real*  
6            *property (including land related to the*  
7            *project and improvements to land), en-*  
8            *vironmental mitigation, construction*  
9            *contingencies, acquisition of equipment*  
10           *directly related to improving system*  
11           *performance, and operational improve-*  
12           *ments.*

13           *“(i) ELIGIBLE PLANNING COSTS.—In*  
14           *the case of a planning activity described in*  
15           *subsection (d)(3) that is carried out by a*  
16           *State with funds made available under*  
17           *paragraph (1), eligible costs may include*  
18           *development phase activities, including*  
19           *planning, feasibility analysis, revenue fore-*  
20           *casting, environmental review, preliminary*  
21           *engineering and design work, other*  
22           *preconstruction activities, and other activi-*  
23           *ties consistent with carrying out the pur-*  
24           *poses of subsection (d)(3).*

1           “(F) *LIMITATIONS.*—*In carrying out this*  
2           *subsection, a State—*

3                   “(i) *may use not more than 25 percent*  
4                   *of the amounts made available under this*  
5                   *subsection for the construction of new ca-*  
6                   *capacity; and*

7                   “(ii) *may use not more than 10 per-*  
8                   *cent of the amounts made available under*  
9                   *this subsection for activities described in*  
10                  *subparagraph (E)(i)(I).*

11          “(d) *COMPETITIVE AWARDS.*—

12                  “(1) *IN GENERAL.*—*In addition to funds distrib-*  
13                  *uted to States under subsection (c)(1), the Secretary*  
14                  *shall provide grants on a competitive basis under this*  
15                  *subsection to eligible entities described in paragraph*  
16                  *(2).*

17                  “(2) *ELIGIBLE ENTITIES.*—*The Secretary may*  
18                  *make a grant under this subsection to any of the fol-*  
19                  *lowing:*

20                          “(A) *A State or political subdivision of a*  
21                          *State.*

22                          “(B) *A metropolitan planning organization.*

23                          “(C) *A unit of local government.*

1           “(D) A special purpose district or public  
2 authority with a transportation function, includ-  
3 ing a port authority.

4           “(E) An Indian tribe (as defined in section  
5 207(m)(1)).

6           “(F) A Federal land management agency  
7 that applies jointly with a State or group of  
8 States.

9           “(G) A multi-State or multijurisdictional  
10 group of entities described in subparagraphs (A)  
11 through (F).

12           “(3) PLANNING GRANTS.—Using funds made  
13 available under this subsection, the Secretary shall  
14 provide planning grants to eligible entities for the  
15 purpose of—

16           “(A) in the case of a State or metropolitan  
17 planning organization, developing a resilience  
18 improvement plan under subsection (f)(2);

19           “(B) resilience planning, predesign, design,  
20 or the development of data tools to simulate  
21 transportation disruption scenarios, including  
22 vulnerability assessments;

23           “(C) technical capacity building by the eli-  
24 gible entity to facilitate the ability of the eligible  
25 entity to assess the vulnerabilities of the infra-

1           *structure assets and community response strate-*  
2           *gies of the eligible entity under current condi-*  
3           *tions and a range of potential future conditions;*  
4           *or*

5           “(D) *evacuation planning and preparation.*

6           “(4) *RESILIENCE GRANTS.—*

7           “(A) *RESILIENCE IMPROVEMENT GRANTS.—*

8           “(i) *IN GENERAL.—Using funds made*  
9           *available under this subsection, the Sec-*  
10          *retary shall provide resilience improvement*  
11          *grants to eligible entities to carry out 1 or*  
12          *more eligible activities under clause (ii).*

13          “(ii) *ELIGIBLE ACTIVITIES.—*

14          “(I) *IN GENERAL.—An eligible en-*  
15          *tity may use a resilience improvement*  
16          *grant under this subparagraph for 1 or*  
17          *more construction activities to enable*  
18          *an existing surface transportation in-*  
19          *frastructure asset to withstand 1 or*  
20          *more elements of a weather event or*  
21          *natural disaster, or to increase the re-*  
22          *silience of surface transportation infra-*  
23          *structure from the impacts of changing*  
24          *conditions, such as sea level rise, flood-*

1                    *ing, extreme weather events, and other*  
2                    *natural disasters.*

3                    “(II) *INCLUSIONS.—An activity*  
4                    *eligible to be carried out under this*  
5                    *subparagraph includes—*

6                    “(aa) *resurfacing, restora-*  
7                    *tion, rehabilitation, reconstruc-*  
8                    *tion, replacement, improvement,*  
9                    *or realignment of an existing sur-*  
10                    *face transportation facility eligi-*  
11                    *ble for assistance under this title;*

12                    “(bb) *the incorporation of*  
13                    *natural infrastructure;*

14                    “(cc) *the upgrade of an exist-*  
15                    *ing surface transportation facility*  
16                    *to meet or exceed Federal High-*  
17                    *way Administration approved de-*  
18                    *sign standards;*

19                    “(dd) *the installation of*  
20                    *mitigation measures that prevent*  
21                    *the intrusion of floodwaters into*  
22                    *surface transportation systems;*

23                    “(ee) *strengthening systems*  
24                    *that remove rainwater from sur-*  
25                    *face transportation facilities;*

1           “(ff) a resilience project that  
2 addresses identified vulnerabilities  
3 described in the resilience im-  
4 provement plan of the eligible en-  
5 tity, if applicable;

6           “(gg) relocating roadways in  
7 a base floodplain to higher ground  
8 above projected flood elevation lev-  
9 els, or away from slide prone  
10 areas;

11           “(hh) stabilizing slide areas  
12 or slopes;

13           “(ii) installing riprap;

14           “(jj) lengthening or raising  
15 bridges to increase waterway  
16 openings, including to respond to  
17 extreme weather;

18           “(kk) deepening channels to  
19 prevent flooding;

20           “(ll) increasing the size or  
21 number of drainage structures;

22           “(mm) installing seismic ret-  
23 rofits on bridges;

24           “(nn) adding scour protec-  
25 tion at bridges;

1           “(oo) adding scour, stream  
2 stability, coastal, and other hy-  
3 draulic countermeasures, includ-  
4 ing spur dikes; and

5           “(pp) any other protective  
6 features, including natural infra-  
7 structure, as determined by the  
8 Secretary.

9           “(iii) *PRIORITY.*—The Secretary shall  
10 prioritize a resilience improvement grant to  
11 an eligible entity if—

12           “(I) the Secretary determines—

13           “(aa) the benefits of the eligi-  
14 ble activity proposed to be carried  
15 out by the eligible entity exceed  
16 the costs of the activity; and

17           “(bb) there is a need to ad-  
18 dress the vulnerabilities of infra-  
19 structure assets of the eligible enti-  
20 ty with a high risk of, and im-  
21 pacts associated with, failure due  
22 to the impacts of weather events,  
23 natural disasters, or changing  
24 conditions, such as sea level rise  
25 and increased flood risk; or

1           “(II) the eligible activity proposed  
2           to be carried out by the eligible entity  
3           is included in the applicable resilience  
4           improvement plan under subsection  
5           (f)(2).

6           “(B) COMMUNITY RESILIENCE AND EVACU-  
7           ATION ROUTE GRANTS.—

8           “(i) IN GENERAL.—Using funds made  
9           available under this subsection, the Sec-  
10          retary shall provide community resilience  
11          and evacuation route grants to eligible enti-  
12          ties to carry out 1 or more eligible activities  
13          under clause (ii).

14          “(ii) ELIGIBLE ACTIVITIES.—An eligi-  
15          ble entity may use a community resilience  
16          and evacuation route grant under this sub-  
17          paragraph for 1 or more projects that  
18          strengthen and protect evacuation routes  
19          that are essential for providing and sup-  
20          porting evacuations caused by emergency  
21          events, including a project that—

22                  “(I) is an eligible activity under  
23                  subparagraph (A)(ii), if that eligible  
24                  activity will improve an evacuation  
25                  route;

1           “(II) ensures the ability of the  
2           evacuation route to provide safe pas-  
3           sage during an evacuation and reduces  
4           the risk of damage to evacuation routes  
5           as a result of future emergency events,  
6           including restoring or replacing exist-  
7           ing evacuation routes that are in poor  
8           condition or not designed to meet the  
9           anticipated demand during an emer-  
10          gency event, and including steps to  
11          protect routes from mud, rock, or other  
12          debris slides;

13           “(III) if the Secretary determines  
14          that existing evacuation routes are not  
15          sufficient to adequately facilitate evac-  
16          uations, including the transportation  
17          of emergency responders and recovery  
18          resources, expands the capacity of evac-  
19          uation routes to swiftly and safely ac-  
20          commodate evacuations, including in-  
21          stallation of—

22                   “(aa) communications and  
23                   intelligent transportation system  
24                   equipment and infrastructure;

1                   “(bb) counterflow measures;

2                   or

3                   “(cc) shoulders;

4                   “(IV) is for the construction of—

5                   “(aa) new or redundant  
6                   evacuation routes, if the Secretary

7                   determines that existing evacu-  
8                   ation routes are not sufficient to

9                   adequately facilitate evacuations,  
10                  including the transportation of

11                  emergency responders and recov-  
12                  ery resources; or

13                  “(bb) sheltering facilities that  
14                  are functionally connected to an

15                  eligible project;

16                  “(V) is for the acquisition of evac-  
17                  uation route or traffic incident man-

18                  agement equipment, vehicles, or sign-  
19                  age; or

20                  “(VI) will ensure access or service  
21                  to critical destinations, including hos-

22                  pitals and other medical or emergency  
23                  service facilities, major employers, crit-

24                  ical manufacturing centers, ports and

1 *intermodal facilities, utilities, and*  
2 *Federal facilities.*

3 “(iii) *PRIORITY.*—*The Secretary shall*  
4 *prioritize community resilience and evacu-*  
5 *ation route grants under this subparagraph*  
6 *for eligible activities that are cost-effective,*  
7 *as determined by the Secretary, taking into*  
8 *account—*

9 *“(I) current and future*  
10 *vulnerabilities to an evacuation route*  
11 *due to future occurrence or recurrence*  
12 *of emergency events that are likely to*  
13 *occur in the geographic area in which*  
14 *the evacuation route is located; and*

15 *“(II) projected changes in develop-*  
16 *ment patterns, demographics, and ex-*  
17 *treme weather events based on the best*  
18 *available evidence and analysis.*

19 “(iv) *CONSULTATION.*—*In providing*  
20 *grants for community resilience and evacu-*  
21 *ation routes under this subparagraph, the*  
22 *Secretary shall consult with the Adminis-*  
23 *trator of the Federal Emergency Manage-*  
24 *ment Agency, who shall provide technical*

1                   *assistance to the Secretary and to eligible*  
2                   *entities.*

3                   “(C) *AT-RISK COASTAL INFRASTRUCTURE*  
4                   *GRANTS.—*

5                   “(i) *DEFINITION OF COASTAL STATE.—*  
6                   *In this subparagraph, the term ‘coastal*  
7                   *State’ means—*

8                   “(I) *a State in, or bordering on,*  
9                   *the Atlantic, Pacific, or Arctic Ocean,*  
10                  *the Gulf of Mexico, Long Island Sound,*  
11                  *or 1 or more of the Great Lakes;*

12                  “(II) *the United States Virgin Is-*  
13                  *lands;*

14                  “(III) *Guam;*

15                  “(IV) *American Samoa; and*

16                  “(V) *the Commonwealth of the*  
17                  *Northern Mariana Islands.*

18                  “(ii) *GRANTS.—Using funds made*  
19                  *available under this subsection, the Sec-*  
20                  *retary shall provide at-risk coastal infra-*  
21                  *structure grants to eligible entities in coast-*  
22                  *al States to carry out 1 or more eligible ac-*  
23                  *tivities under clause (iii).*

24                  “(iii) *ELIGIBLE ACTIVITIES.—An eligi-*  
25                  *ble entity may use an at-risk coastal infra-*

1            *structure grant under this subparagraph for*  
2            *strengthening, stabilizing, hardening, ele-*  
3            *vating, relocating, or otherwise enhancing*  
4            *the resilience of highway and non-rail in-*  
5            *frastructure, including bridges, roads, pe-*  
6            *destrian walkways, and bicycle lanes, and*  
7            *associated infrastructure, such as culverts*  
8            *and tide gates, that are subject to, or face*  
9            *increased long-term future risks of, a weath-*  
10           *er event, a natural disaster, or changing*  
11           *conditions, including coastal flooding, coast-*  
12           *al erosion, wave action, storm surge, or sea*  
13           *level rise, in order to improve transpor-*  
14           *tation and public safety and to reduce costs*  
15           *by avoiding larger future maintenance or*  
16           *rebuilding costs.*

17           *“(iv) CRITERIA.—The Secretary shall*  
18           *provide at-risk coastal infrastructure grants*  
19           *under this subparagraph for a project—*

20           *“(I) that addresses the risks from*  
21           *a current or future weather event or*  
22           *natural disaster, including coastal*  
23           *flooding, coastal erosion, wave action,*  
24           *storm surge, or sea level change; and*

1                   “(II) that reduces long-term infra-  
2                   structure costs by avoiding larger fu-  
3                   ture maintenance or rebuilding costs.

4                   “(v) COASTAL BENEFITS.—In addition  
5                   to the criteria under clause (iv), for the pur-  
6                   pose of providing at-risk coastal infrastruc-  
7                   ture grants under this subparagraph, the  
8                   Secretary shall evaluate the extent to which  
9                   a project will provide—

10                   “(I) access to coastal homes, busi-  
11                   nesses, communities, and other critical  
12                   infrastructure, including access by first  
13                   responders and other emergency per-  
14                   sonnel; or

15                   “(II) access to a designated evacu-  
16                   ation route.

17                   “(5) GRANT REQUIREMENTS.—

18                   “(A) SOLICITATIONS FOR GRANTS.—In pro-  
19                   viding grants under this subsection, the Sec-  
20                   retary shall conduct a transparent and competi-  
21                   tive national solicitation process to select eligible  
22                   projects to receive grants under paragraph (3)  
23                   and subparagraphs (A), (B), and (C) of para-  
24                   graph (4).

25                   “(B) APPLICATIONS.—

1           “(i) *IN GENERAL.*—*To be eligible to re-*  
2           *ceive a grant under paragraph (3) or sub-*  
3           *paragraph (A), (B), or (C) of paragraph*  
4           *(4), an eligible entity shall submit to the*  
5           *Secretary an application in such form, at*  
6           *such time, and containing such information*  
7           *as the Secretary determines to be necessary.*

8           “(ii) *PROJECTS IN CERTAIN AREAS.*—  
9           *If a project is proposed to be carried out by*  
10           *the eligible entity, in whole or in part,*  
11           *within a base floodplain, the eligible entity*  
12           *shall—*

13                   “(I) *as part of the application,*  
14                   *identify the floodplain in which the*  
15                   *project is to be located and disclose*  
16                   *that information to the Secretary; and*

17                   “(II) *indicate in the application*  
18                   *whether, if selected, the eligible entity*  
19                   *will implement 1 or more components*  
20                   *of the risk mitigation plan under sec-*  
21                   *tion 322 of the Robert T. Stafford Dis-*  
22                   *aster Relief and Emergency Assistance*  
23                   *Act (42 U.S.C. 5165) with respect to*  
24                   *the area.*

1           “(C) *ELIGIBILITIES.*—*The Secretary may*  
2           *make a grant under paragraph (3) or subpara-*  
3           *graph (A), (B), or (C) of paragraph (4) only*  
4           *for—*

5                     “(i) *a highway project eligible for as-*  
6                     *sistance under this title;*

7                     “(ii) *a public transportation facility*  
8                     *or service eligible for assistance under chap-*  
9                     *ter 53 of title 49;*

10                    “(iii) *a facility or service for intercity*  
11                    *rail passenger transportation (as defined in*  
12                    *section 24102 of title 49); or*

13                    “(iv) *a port facility, including a facil-*  
14                    *ity that—*

15                             “(I) *connects a port to other*  
16                             *modes of transportation;*

17                             “(II) *improves the efficiency of*  
18                             *evacuations and disaster relief; or*

19                             “(III) *aids transportation.*

20           “(D) *SYSTEM RESILIENCE.*—*A project for*  
21           *which a grant is provided under paragraph (3)*  
22           *or subparagraph (A), (B), or (C) of paragraph*  
23           *(4) may include the use of natural infrastructure*  
24           *or the construction or modification of storm*  
25           *surge, flood protection, or aquatic ecosystem res-*

1            *toration elements that the Secretary determines*  
2            *are functionally connected to a transportation*  
3            *improvement, such as—*

4                    *“(i) increasing marsh health and total*  
5                    *area adjacent to a highway right-of-way to*  
6                    *promote additional flood storage;*

7                    *“(ii) upgrades to and installing of cul-*  
8                    *verts designed to withstand 100-year flood*  
9                    *events;*

10                   *“(iii) upgrades to and installation of*  
11                   *tide gates to protect highways; and*

12                   *“(iv) upgrades to and installation of*  
13                   *flood gates to protect tunnel entrances.*

14                   *“(E) FEDERAL COST SHARE.—*

15                   *“(i) PLANNING GRANT.—The Federal*  
16                   *share of the cost of a planning activity car-*  
17                   *ried out using a planning grant under*  
18                   *paragraph (3) shall be 100 percent.*

19                   *“(ii) RESILIENCE GRANTS.—*

20                   *“(I) IN GENERAL.—Except as pro-*  
21                   *vided in subclause (II) and subsection*  
22                   *(f)(1), the Federal share of the cost of*  
23                   *a project carried out using a grant*  
24                   *under subparagraph (A), (B), or (C) of*

1 paragraph (4) shall not exceed 80 per-  
2 cent of the total project cost.

3 “(II) TRIBAL PROJECTS.—On the  
4 determination of the Secretary, the  
5 Federal share of the cost of a project  
6 carried out using a grant under sub-  
7 paragraph (A), (B), or (C) of para-  
8 graph (4) by an Indian tribe (as de-  
9 fined in section 207(m)(1)) may be up  
10 to 100 percent.

11 “(iii) NON-FEDERAL SHARE.—The eli-  
12 gible entity may use Federal funds other  
13 than Federal funds provided under this sub-  
14 section to meet the non-Federal cost share  
15 requirement for a project carried out with a  
16 grant under this subsection.

17 “(F) ELIGIBLE PROJECT COSTS.—

18 “(i) RESILIENCE GRANT PROJECTS.—  
19 Eligible project costs for activities funded  
20 with a grant under subparagraph (A), (B),  
21 or (C) of paragraph (4) may include the  
22 costs of—

23 “(I) development phase activities,  
24 including planning, feasibility anal-  
25 ysis, revenue forecasting, environ-

1            *mental review, preliminary engineer-*  
2            *ing and design work, and other*  
3            *preconstruction activities; and*

4            *“(II) construction, reconstruction,*  
5            *rehabilitation, and acquisition of real*  
6            *property (including land related to the*  
7            *project and improvements to land), en-*  
8            *vironmental mitigation, construction*  
9            *contingencies, acquisition of equipment*  
10           *directly related to improving system*  
11           *performance, and operational improve-*  
12           *ments.*

13           *“(ii) PLANNING GRANTS.—Eligible*  
14           *project costs for activities funded with a*  
15           *grant under paragraph (3) may include the*  
16           *costs of development phase activities, in-*  
17           *cluding planning, feasibility analysis, rev-*  
18           *enue forecasting, environmental review, pre-*  
19           *liminary engineering and design work,*  
20           *other preconstruction activities, and other*  
21           *activities consistent with carrying out the*  
22           *purposes of that paragraph.*

23           *“(G) LIMITATIONS.—An eligible entity that*  
24           *receives a grant under subparagraph (A), (B), or*  
25           *(C) of paragraph (4)—*

1           “(i) may use not more than 25 percent  
2 of the amount of the grant for the construc-  
3 tion of new capacity; and

4           “(ii) may use not more than 10 per-  
5 cent of the amount of the grant for activities  
6 described in subparagraph (F)(i)(I).

7           “(H) DISTRIBUTION OF GRANTS.—

8           “(i) IN GENERAL.—Subject to the  
9 availability of funds, an eligible entity may  
10 request and the Secretary may distribute  
11 funds for a grant under this subsection on  
12 a multiyear basis, as the Secretary deter-  
13 mines to be necessary.

14           “(ii) RURAL SET-ASIDE.—Of the  
15 amounts made available to carry out this  
16 subsection for each fiscal year, the Secretary  
17 shall use not less than 25 percent for grants  
18 for projects located in areas that are outside  
19 an urbanized area with a population of  
20 over 200,000.

21           “(iii) TRIBAL SET-ASIDE.—Of the  
22 amounts made available to carry out this  
23 subsection for each fiscal year, the Secretary  
24 shall use not less than 2 percent for grants

1           to Indian tribes (as defined in section  
2           207(m)(1)).

3           “(iv) *REALLOCATION.*—For any fiscal  
4           year, if the Secretary determines that the  
5           amount described in clause (ii) or (iii) will  
6           not be fully utilized for the grant described  
7           in that clause, the Secretary may reallocate  
8           the unutilized funds to provide grants to  
9           other eligible entities under this subsection.

10          “(e) *CONSULTATION.*—In carrying out the program,  
11          the Secretary shall—

12                 “(1) consult with the Assistant Secretary of the  
13                 Army for Civil Works, the Administrator of the Envi-  
14                 ronmental Protection Agency, the Secretary of the In-  
15                 terior, and the Secretary of Commerce; and

16                 “(2) solicit technical support from the Adminis-  
17                 trator of the Federal Emergency Management Agency.

18          “(f) *RESILIENCE IMPROVEMENT PLAN AND LOWER*  
19          *NON-FEDERAL SHARE.*—

20                 “(1) *FEDERAL SHARE REDUCTIONS.*—

21                         “(A) *IN GENERAL.*—A State that receives  
22                         funds under subsection (c) or an eligible entity  
23                         that receives a grant under subsection (d) shall  
24                         have the non-Federal share of a project carried  
25                         out with the funds or grant, as applicable, re-

1           duced by an amount described in subparagraph  
 2           (B) if the State or eligible entity meets the appli-  
 3           cable requirements under that subparagraph.

4           “(B) AMOUNT OF REDUCTIONS.—

5                   “(i) RESILIENCE IMPROVEMENT  
 6           PLAN.—Subject to clause (iii), the amount  
 7           of the non-Federal share of the costs of a  
 8           project carried out with funds under sub-  
 9           section (c) or a grant under subsection (d)  
 10          shall be reduced by 7 percentage points if—

11                   “(I) in the case of a State or an  
 12          eligible entity that is a State or a met-  
 13          ropolitan planning organization, the  
 14          State or eligible entity has—

15                           “(aa) developed a resilience  
 16                           improvement plan in accordance  
 17                           with this subsection; and

18                           “(bb) prioritized the project  
 19                           on that resilience improvement  
 20                           plan; and

21                   “(II) in the case of an eligible en-  
 22          tity not described in subclause (I), the  
 23          eligible entity is located in a State or  
 24          an area served by a metropolitan plan-  
 25          ning organization that has—

1                   “(aa) developed a resilience  
2                   improvement plan in accordance  
3                   with this subsection; and

4                   “(bb) prioritized the project  
5                   on that resilience improvement  
6                   plan.

7                   “(ii) *INCORPORATION OF RESILIENCE*  
8                   *IMPROVEMENT PLAN IN OTHER PLANNING.—*  
9                   *Subject to clause (iii), the amount of the*  
10                  *non-Federal share of the cost of a project*  
11                  *carried out with funds under subsection (c)*  
12                  *or a grant under subsection (d) shall be re-*  
13                  *duced by 3 percentage points if—*

14                  “(I) *in the case of a State or an*  
15                  *eligible entity that is a State or a met-*  
16                  *ropolitan planning organization, the*  
17                  *resilience improvement plan developed*  
18                  *in accordance with this subsection has*  
19                  *been incorporated into the metropoli-*  
20                  *tan transportation plan under section*  
21                  *134 or the long-range statewide trans-*  
22                  *portation plan under section 135, as*  
23                  *applicable; and*

24                  “(II) *in the case of an eligible en-*  
25                  *tity not described in subclause (I), the*

1           *eligible entity is located in a State or*  
2           *an area served by a metropolitan plan-*  
3           *ning organization that incorporated a*  
4           *resilience improvement plan into the*  
5           *metropolitan transportation plan*  
6           *under section 134 or the long-range*  
7           *statewide transportation plan under*  
8           *section 135, as applicable.*

9           “(iii) *LIMITATIONS.—*

10           “(I) *MAXIMUM REDUCTION.—A*  
11           *State or eligible entity may not receive*  
12           *a reduction under this paragraph of*  
13           *more than 10 percentage points for*  
14           *any single project carried out with*  
15           *funds under subsection (c) or a grant*  
16           *under subsection (d).*

17           “(II) *NO NEGATIVE NON-FEDERAL*  
18           *SHARE.—A reduction under this para-*  
19           *graph shall not reduce the non-Federal*  
20           *share of the costs of a project carried*  
21           *out with funds under subsection (c) or*  
22           *a grant under subsection (d) to an*  
23           *amount that is less than zero.*

24           “(2) *PLAN CONTENTS.—A resilience improve-*  
25           *ment plan referred to in paragraph (1)—*

1           “(A) shall be for the immediate and long-  
2           range planning activities and investments of the  
3           State or metropolitan planning organization  
4           with respect to resilience;

5           “(B) shall demonstrate a systemic approach  
6           to transportation system resilience and be con-  
7           sistent with and complementary of the State and  
8           local mitigation plans required under section  
9           322 of the Robert T. Stafford Disaster Relief and  
10          Emergency Assistance Act (42 U.S.C. 5165);

11          “(C) shall—

12               “(i) include a risk-based assessment of  
13               vulnerabilities of transportation assets and  
14               systems to current and future weather  
15               events and natural disasters, such as severe  
16               storms, flooding, drought, levee and dam  
17               failures, wildfire, rockslides, mudslides, sea  
18               level rise, extreme weather, including ex-  
19               treme temperatures, and earthquakes;

20               “(ii) designate evacuation routes and  
21               strategies, including multimodal facilities,  
22               designated with consideration for individ-  
23               uals without access to personal vehicles;

1           “(iii) plan for response to anticipated  
2 emergencies, including plans for the mobil-  
3 ity of—

4                   “(I) emergency response personnel  
5 and equipment; and

6                   “(II) access to emergency services,  
7 including for vulnerable or disadvan-  
8 taged populations;

9           “(iv) describe the resilience improve-  
10 ment policies, including strategies, land-use  
11 and zoning changes, investments in natural  
12 infrastructure, or performance measures  
13 that will inform the transportation invest-  
14 ment decisions of the State or metropolitan  
15 planning organization with the goal of in-  
16 creasing resilience;

17           “(v) include an investment plan that—

18                   “(I) includes a list of priority  
19 projects; and

20                   “(II) describes how funds provided  
21 by a grant under the program would  
22 be invested and matched, which shall  
23 not be subject to fiscal constraint re-  
24 quirements; and

1           “(vi) use science and data and indicate  
2           the source of data and methodologies; and

3           “(D) shall, as appropriate—

4           “(i) include a description of how the  
5           plan will improve the ability of the State or  
6           metropolitan planning organization—

7           “(I) to respond promptly to the  
8           impacts of weather events and natural  
9           disasters; and

10           “(II) to be prepared for changing  
11           conditions, such as sea level rise and  
12           increased flood risk;

13           “(ii) describe the codes, standards, and  
14           regulatory framework, if any, adopted and  
15           enforced to ensure resilience improvements  
16           within the impacted area of proposed  
17           projects included in the resilience improve-  
18           ment plan;

19           “(iii) consider the benefits of com-  
20           bining hard infrastructure assets, and nat-  
21           ural infrastructure, through coordinated ef-  
22           forts by the Federal Government and the  
23           States;

24           “(iv) assess the resilience of other com-  
25           munity assets, including buildings and

1           *housing, emergency management assets, and*  
2           *energy, water, and communication infra-*  
3           *structure;*

4                   “(v) *use a long-term planning period;*  
5           *and*

6                   “(vi) *include such other information as*  
7           *the eligible entity considers appropriate.*

8                   “(3) *NO NEW PLANNING REQUIREMENTS.—Not-*  
9           *ing in this section requires a metropolitan planning*  
10          *organization or a State to develop a resilience im-*  
11          *provement plan or to include a resilience improve-*  
12          *ment plan under the metropolitan transportation*  
13          *plan under section 134 or the long-range statewide*  
14          *transportation plan under section 135, as applicable,*  
15          *of the metropolitan planning organization or State.*

16                  “(g) *MONITORING.—*

17                   “(1) *IN GENERAL.—Not later than 18 months*  
18          *after the date of enactment of this section, the Sec-*  
19          *retary, in consultation with the officials described in*  
20          *subsection (e), shall—*

21                           “(A) *establish, for the purpose of evaluating*  
22                   *the effectiveness and impacts of projects carried*  
23                   *out under the program—*

1           “(i) subject to paragraph (2), transpor-  
2           tation and any other metrics as the Sec-  
3           retary determines to be necessary; and

4           “(ii) procedures for monitoring and  
5           evaluating projects based on those metrics;  
6           and

7           “(B) select a representative sample of  
8           projects to evaluate based on the metrics and  
9           procedures established under subparagraph (A).

10          “(2) NOTICE.—Before adopting any metrics de-  
11          scribed in paragraph (1), the Secretary shall—

12                 “(A) publish the proposed metrics in the  
13                 Federal Register; and

14                 “(B) provide to the public an opportunity  
15                 for comment on the proposed metrics.

16          “(h) REPORTS.—

17                 “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not  
18                 later than 1 year after the date on which a project  
19                 carried out under the program is completed, the enti-  
20                 ty that carried out the project shall submit to the Sec-  
21                 retary a report on the results of the project and the  
22                 use of the funds received under the program.

23                 “(2) REPORTS TO CONGRESS.—

24                         “(A) ANNUAL REPORTS.—The Secretary  
25                         shall submit to Congress, and publish on the

1            *website of the Department of Transportation, an*  
2            *annual report that describes the implementation*  
3            *of the program during the preceding calendar*  
4            *year, including—*

5                    *“(i) each project for which a grant was*  
6                    *provided under the program;*

7                    *“(ii) information relating to project*  
8                    *applications received;*

9                    *“(iii) the manner in which the con-*  
10                   *sultation requirements were implemented*  
11                   *under this section;*

12                   *“(iv) recommendations to improve the*  
13                   *administration of the program, including*  
14                   *whether assistance from additional or fewer*  
15                   *agencies to carry out the program is appro-*  
16                   *priate;*

17                   *“(v) the period required to disburse*  
18                   *grant funds to recipients based on applica-*  
19                   *ble Federal coordination requirements; and*

20                   *“(vi) a list of facilities that repeatedly*  
21                   *require repair or reconstruction due to*  
22                   *emergency events.*

23                   *“(B) FINAL REPORT.—Not later than 5*  
24                   *years after the date of enactment of the Amer-*  
25                   *ica’s Transportation Infrastructure Act of 2019,*

1           *the Secretary shall submit to Congress a report*  
 2           *that includes the results of the reports submitted*  
 3           *under subparagraph (A).*

4           “(i) *ADMINISTRATIVE EXPENSES.—The Secretary*  
 5           *shall use not more than 5 percent of the amounts made*  
 6           *available to carry out the program for each fiscal year for*  
 7           *the costs of administering the program, including moni-*  
 8           *toring and evaluation under subsection (g).”.*

9           (b) *CLERICAL AMENDMENT.—The analysis for chapter*  
 10          *1 of title 23, United States Code (as amended by section*  
 11          *1403(b)), is amended by inserting after the item relating*  
 12          *to section 178 the following:*

*“179. Promoting Resilient Operations for Transformative, Efficient, and Cost-sav-*  
*ing Transportation (PROTECT) grant program.”.*

13          **SEC. 1408. DIESEL EMISSIONS REDUCTION.**

14           (a) *REAUTHORIZATION OF DIESEL EMISSIONS RE-*  
 15          *DUCTION PROGRAM.—Section 797(a) of the Energy Policy*  
 16          *Act of 2005 (42 U.S.C. 16137(a)) is amended by striking*  
 17          *“2016” and inserting “2024”.*

18           (b) *RECOGNIZING DIFFERENCES IN DIESEL VEHICLE,*  
 19          *ENGINE, EQUIPMENT, AND FLEET USE.—*

20           (1) *NATIONAL GRANT, REBATE, AND LOAN PRO-*  
 21          *GRAMS.—Section 792(c)(4)(D) of the Energy Policy*  
 22          *Act of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended*  
 23          *by inserting “, recognizing differences in typical vehi-*

1        *cle, engine, equipment, and fleet use throughout the*  
 2        *United States” before the semicolon.*

3                (2) *STATE GRANT, REBATE, AND LOAN PRO-*  
 4        *GRAMS.—Section 793(b)(1) of the Energy Policy Act*  
 5        *of 2005 (42 U.S.C. 16133(b)(1)) is amended—*

6                        (A) *in subparagraph (B), by striking “;*  
 7                        *and” and inserting a semicolon; and*

8                        (B) *by adding at the end the following:*

9                                *“(D) the recognition, for purposes of imple-*  
 10                                *menting this section, of differences in typical ve-*  
 11                                *hicle, engine, equipment, and fleet use throughout*  
 12                                *the United States, including expected useful life;*  
 13                                *and”.*

14                (c) *REALLOCATION OF UNUSED STATE FUNDS.—Sec-*  
 15        *tion 793(c)(2)(C) of the Energy Policy Act of 2005 (42*  
 16        *U.S.C. 16133(c)(2)(C)) is amended beginning in the matter*  
 17        *preceding clause (i) by striking “to each remaining” and*  
 18        *all that follows through “this paragraph” in clause (ii) and*  
 19        *inserting “to carry out section 792”.*

20                        ***Subtitle E—Miscellaneous***

21        ***SEC. 1501. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST***

22                        ***FUND.***

23                (a) *IN GENERAL.—Section 105 of title 23, United*  
 24        *States Code, is repealed.*

1           (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
 2 *1 of title 23, United States Code, is amended by striking*  
 3 *the item relating to section 105.*

4 **SEC. 1502. STOPPING THREATS ON PEDESTRIANS.**

5           (a) *DEFINITION OF BOLLARD INSTALLATION*  
 6 *PROJECT.*—*In this section, the term “bollard installation*  
 7 *project” means a project to install raised concrete or metal*  
 8 *posts on a sidewalk adjacent to a roadway that are designed*  
 9 *to slow or stop a motor vehicle.*

10           (b) *ESTABLISHMENT.*—*Not later than 1 year after the*  
 11 *date of enactment of this Act and subject to the availability*  
 12 *of appropriations, the Secretary shall establish and carry*  
 13 *out a competitive grant pilot program to provide assistance*  
 14 *to local government entities for bollard installation projects*  
 15 *designed to prevent pedestrian injuries and acts of ter-*  
 16 *rorism in areas used by large numbers of pedestrians.*

17           (c) *APPLICATION.*—*To be eligible to receive a grant*  
 18 *under this section, a local government entity shall submit*  
 19 *to the Secretary an application at such time, in such form,*  
 20 *and containing such information as the Secretary deter-*  
 21 *mines to be appropriate, which shall include, at a min-*  
 22 *imum—*

23                   (1) *a description of the proposed bollard installa-*  
 24                   *tion project to be carried out;*

1           (2) *a description of the pedestrian injury or ter-*  
2           *rorism risks with respect to the proposed installation*  
3           *area; and*

4           (3) *an analysis of how the proposed bollard in-*  
5           *stallation project will mitigate those risks.*

6           (d) *USE OF FUNDS.—A recipient of a grant under this*  
7           *section may only use the grant funds for a bollard installa-*  
8           *tion project.*

9           (e) *FEDERAL SHARE.—The Federal share of the costs*  
10          *of a bollard installation project carried out with a grant*  
11          *under this section may be up to 100 percent.*

12          (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
13          *authorized to be appropriated to the Secretary to carry out*  
14          *this section \$5,000,000 for each of fiscal years 2021 through*  
15          *2025.*

16   **SEC. 1503. TRANSFER AND SALE OF TOLL CREDITS.**

17          (a) *DEFINITIONS.—In this section:*

18               (1) *ORIGINATING STATE.—The term “originating*  
19               *State” means a State that—*

20                       (A) *is eligible to use a credit under section*  
21                       *120(i) of title 23, United States Code; and*

22                       (B) *has been selected by the Secretary under*  
23                       *subsection (d)(2).*

1           (2) *PILOT PROGRAM.*—*The term “pilot program”*  
2           *means the pilot program established under subsection*  
3           *(b).*

4           (3) *RECIPIENT STATE.*—*The term “recipient*  
5           *State” means a State that receives a credit by trans-*  
6           *fer or by sale under this section from an originating*  
7           *State.*

8           (4) *STATE.*—*The term “State” has the meaning*  
9           *given the term in section 101(a) of title 23, United*  
10          *States Code.*

11          (b) *ESTABLISHMENT OF PILOT PROGRAM.*—*The Sec-*  
12          *retary shall establish and implement a toll credit exchange*  
13          *pilot program in accordance with this section.*

14          (c) *PURPOSES.*—*The purposes of the pilot program*  
15          *are—*

16                (1) *to identify the extent of the demand to pur-*  
17                *chase toll credits;*

18                (2) *to identify the cash price of toll credits*  
19                *through bilateral transactions between States;*

20                (3) *to analyze the impact of the purchase or sale*  
21                *of toll credits on transportation expenditures;*

22                (4) *to test the feasibility of expanding the pilot*  
23                *program to allow all States to participate on a per-*  
24                *manent basis; and*

1           (5) to identify any other repercussions of the toll  
2     *credit exchange.*

3     (d) *SELECTION OF ORIGINATING STATES.—*

4           (1) *APPLICATION.—In order to participate in the*  
5     *pilot program as an originating State, a State shall*  
6     *submit to the Secretary an application at such time,*  
7     *in such manner, and containing such information as*  
8     *the Secretary may require, including, at a minimum,*  
9     *such information as is required for the Secretary to*  
10    *verify—*

11           (A) *the amount of unused toll credits for*  
12    *which the State has submitted certification to the*  
13    *Secretary that are available to be sold or trans-*  
14    *ferred under the pilot program, including—*

15           (i) *toll revenue generated and the*  
16    *sources of that revenue;*

17           (ii) *toll revenue used by public, quasi-*  
18    *public, and private agencies to build, im-*  
19    *prove, or maintain highways, bridges, or*  
20    *tunnels that serve the public purpose of*  
21    *interstate commerce; and*

22           (iii) *an accounting of any Federal*  
23    *funds used by the public, quasi-public, or*  
24    *private agency to build, improve, or main-*  
25    *tain the toll facility, to validate that the*

1           *credit has been reduced by a percentage*  
2           *equal to the percentage of the total cost of*  
3           *building, improving, or maintaining the fa-*  
4           *ility that was derived from Federal funds;*

5           *(B) the documentation of maintenance of ef-*  
6           *fort for toll credits earned by the originating*  
7           *State; and*

8           *(C) the accuracy of the accounting system of*  
9           *the State to earn and track toll credits.*

10          (2) *SELECTION.*—*Of the States that submit an*  
11          *application under paragraph (1), the Secretary may*  
12          *select not more than 10 States to be designated as an*  
13          *originating State.*

14          (3) *LIMITATION ON SALES.*—*At any time, the*  
15          *Secretary may limit the amount of unused toll credits*  
16          *that may be offered for sale under the pilot program.*

17          (e) *TRANSFER OR SALE OF CREDITS.*—

18                (1) *IN GENERAL.*—*In carrying out the pilot pro-*  
19                *gram, the Secretary shall provide that an originating*  
20                *State may transfer or sell to a recipient State a cred-*  
21                *it not previously used by the originating State under*  
22                *section 120(i) of title 23, United States Code.*

23                (2) *WEBSITE SUPPORT.*—*The Secretary shall*  
24                *make available a publicly accessible website on which*  
25                *originating States shall post the amount of toll cred-*

1        *its, verified under subsection (d)(1)(A), that are*  
2        *available for sale or transfer to a recipient State.*

3            (3) *BILATERAL TRANSACTIONS.—An originating*  
4        *State and a recipient State may enter into a bilateral*  
5        *transaction to sell or transfer verified toll credits.*

6            (4) *NOTIFICATION.—Not later than 30 days after*  
7        *the date on which a credit is transferred or sold, the*  
8        *originating State and the recipient State shall jointly*  
9        *submit to the Secretary a written notification of the*  
10       *transfer or sale, including details on—*

11            (A) *the amount of toll credits that have been*  
12        *sold or transferred;*

13            (B) *the price paid or other value transferred*  
14        *in exchange for the toll credits;*

15            (C) *the intended use by the recipient State*  
16        *of the toll credits, if known;*

17            (D) *the intended use by the originating*  
18        *State of the cash or other value transferred;*

19            (E) *an update on the toll credit balance of*  
20        *the originating State and the recipient State;*  
21        *and*

22            (F) *any other information about the trans-*  
23        *action that the Secretary may require.*

24            (5) *USE OF CREDITS BY TRANSFEREE OR PUR-*  
25        *CHASER.—A recipient State may use a credit received*

1        *under paragraph (1) toward the non-Federal share*  
2        *requirement for any funds made available to carry*  
3        *out title 23 or chapter 53 of title 49, United States*  
4        *Code, in accordance with section 120(i) of title 23,*  
5        *United States Code.*

6            (6) *USE OF PROCEEDS FROM SALE OF CRED-*  
7        *ITS.—An originating State shall use the proceeds*  
8        *from the sale of a credit under paragraph (1) for the*  
9        *construction costs of any project in the originating*  
10       *State that is eligible under title 23, United States*  
11       *Code.*

12       (f) *REPORTING REQUIREMENTS.—*

13            (1) *INITIAL REPORT.—Not later than 1 year*  
14       *after the date on which the pilot program is estab-*  
15       *lished, the Secretary shall submit to the Committee on*  
16       *Environment and Public Works of the Senate and the*  
17       *Committee on Transportation and Infrastructure of*  
18       *the House of Representatives a report on the progress*  
19       *of the pilot program.*

20            (2) *FINAL REPORT.—Not later than 3 years after*  
21       *the date on which the pilot program is established, the*  
22       *Secretary shall—*

23            (A) *submit to the Committee on Environ-*  
24       *ment and Public Works of the Senate and the*

1           *Committee on Transportation and Infrastructure*  
2           *of the House of Representatives a report that—*

3                   *(i) determines whether a toll credit*  
4                   *marketplace is viable and cost-effective;*

5                   *(ii) describes the buying and selling ac-*  
6                   *tivities under the pilot program;*

7                   *(iii) describes the average sale price of*  
8                   *toll credits;*

9                   *(iv) determines whether the pilot pro-*  
10                   *gram could be expanded to more States or*  
11                   *all States or to non-State operators of toll*  
12                   *facilities;*

13                   *(v) provides updated information on*  
14                   *the toll credit balance accumulated by each*  
15                   *State; and*

16                   *(vi) describes the list of projects that*  
17                   *were assisted by the pilot program; and*

18                   *(B) make the report under subparagraph*  
19                   *(A) publicly available on the website of the De-*  
20                   *partment.*

21           *(g) TERMINATION.—*

22                   *(1) IN GENERAL.—The Secretary may terminate*  
23                   *the pilot program or the participation of any State*  
24                   *in the pilot program if the Secretary determines*  
25                   *that—*

1           (A) the pilot program is not serving a pub-  
2           lic benefit; or

3           (B) it is not cost effective to carry out the  
4           pilot program.

5           (2) *PROCEDURES.*—The termination of the pilot  
6           program or the participation of a State in the pilot  
7           program shall be carried out consistent with Federal  
8           requirements for project closeout, adjustment, and  
9           continuing responsibilities.

10 **SEC. 1504. FOREST SERVICE LEGACY ROADS AND TRAILS**  
11 **REMEDIATION PROGRAM.**

12           Public Law 88–657 (16 U.S.C. 532 *et seq.*) (commonly  
13 known as the “Forest Roads and Trails Act”) is amended  
14 by adding at the end the following:

15 **“SEC. 8. FOREST SERVICE LEGACY ROADS AND TRAILS RE-**  
16 **MEDIATION PROGRAM.**

17           “(a) *IN GENERAL.*—Not later than 180 days after the  
18 date of enactment of this section, the Secretary, acting  
19 through the Chief of the Forest Service, shall establish, and  
20 develop a national strategy to carry out, a program, to be  
21 known as the ‘Forest Service Legacy Roads and Trails Re-  
22 mediation Program’, within the National Forest System,  
23 to carry out critical maintenance and urgent repairs and  
24 improvements on National Forest System roads, trails, and  
25 bridges.

1       “(b) *PRIORITY.*—*In implementing the program under*  
2 *this section, the Secretary may give priority to any project*  
3 *that protects or restores—*

4               “(1) *water quality;*

5               “(2) *a watershed that feeds a public drinking*  
6 *water system;*

7               “(3) *important wildlife habitat, as determined*  
8 *by the Secretary, in consultation with each affected*  
9 *State, including habitat of threatened, endangered, or*  
10 *sensitive fish or wildlife species; or*

11               “(4) *historic public access for authorized mul-*  
12 *tiple uses of National Forest System land in accord-*  
13 *ance with the Multiple-Use Sustained-Yield Act of*  
14 *1960 (16 U.S.C. 528 et seq.), including grazing, recre-*  
15 *ation, hunting, fishing, forest management, wildfire*  
16 *mitigation, and ecosystem restoration.*

17       “(c) *NATIONAL FOREST SYSTEM.*—*Except as author-*  
18 *ized under section 323 of the Department of the Interior*  
19 *and Related Agencies Appropriations Act, 1999 (16 U.S.C.*  
20 *1011a), each project carried out under this section shall be*  
21 *on a National Forest System road or trail.*

22       “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
23 *authorized to be appropriated to the Secretary to carry out*  
24 *this section \$50,000,000 for each of fiscal years 2021*  
25 *through 2025, to remain available until expended.”.*

1 **SEC. 1505. DISASTER RELIEF MOBILIZATION PILOT PRO-**  
2 **GRAM.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *LOCAL COMMUNITY.—The term “local com-*  
5 *munity” means—*

6 (A) *a unit of local government;*

7 (B) *a political subdivision of a State or*  
8 *local government;*

9 (C) *a metropolitan planning organization*  
10 *(as defined in section 134(b) of title 23, United*  
11 *States Code);*

12 (D) *a rural planning organization; or*

13 (E) *a Tribal government.*

14 (2) *PILOT PROGRAM.—The term “pilot program”*  
15 *means the pilot program established by the Secretary*  
16 *under subsection (b).*

17 (b) *ESTABLISHMENT.—The Secretary shall establish*  
18 *and carry out a pilot program under which the Secretary*  
19 *shall provide grants to local communities to develop disaster*  
20 *preparedness and disaster response plans that include the*  
21 *use of bicycles.*

22 (c) *APPLICATION AND SELECTION REQUIREMENTS.—*

23 (1) *PARTNERSHIPS.—To be eligible to receive a*  
24 *grant under the pilot program, a local community*  
25 *shall demonstrate plans to enter into a partnership*  
26 *with—*

1           (A) 1 or more nonprofit community organi-  
2           zations active in disaster relief or community de-  
3           velopment; or

4           (B) 1 or more bicycle or pedestrian advoca-  
5           cacy organizations.

6           (2) *APPLICATION.*—To be eligible to receive a  
7           grant under the pilot program, a local community  
8           shall submit to the Secretary an application at such  
9           time, in such manner, and containing such informa-  
10          tion as the Secretary may require, including an iden-  
11          tification of each nonprofit community organization  
12          and bicycle or pedestrian advocacy organization with  
13          which the local community plans to establish a part-  
14          nership under paragraph (1).

15          (3) *SELECTION.*—For each fiscal year, the Sec-  
16          retary shall select not fewer than 4, and not more  
17          than 10, local communities that meet the eligibility  
18          requirements to receive a grant under the pilot pro-  
19          gram.

20          (d) *MAXIMUM AMOUNT.*—The maximum amount of a  
21          grant under the pilot program shall be \$125,000.

22          (e) *USE OF FUNDS.*—

23                (1) *VULNERABILITY ASSESSMENT.*—

24                    (A) *IN GENERAL.*—Each recipient of a  
25                    grant under the pilot program shall carry out a

1           *vulnerability assessment of the current infra-*  
2           *structure of the applicable community that sup-*  
3           *ports active transportation, including bicycling,*  
4           *walking, and personal mobility devices, with a*  
5           *particular focus on areas in the local community*  
6           *that—*

7                     *(i) have low levels of vehicle ownership;*

8                     *and*

9                     *(ii) lack sufficient active transpor-*  
10            *tation infrastructure routes to public trans-*  
11            *portation.*

12            *(B) PUBLIC PARTICIPATION.—In carrying*  
13            *out the vulnerability assessment under subpara-*  
14            *graph (A), a grant recipient shall—*

15                     *(i) provide an opportunity for public*  
16                     *participation and feedback; and*

17                     *(ii) consider public feedback in devel-*  
18                     *oping or modifying response plans under*  
19                     *paragraph (2).*

20            *(2) DISASTER PREPAREDNESS AND DISASTER*  
21            *RESPONSE PLANS.—Each recipient of a grant under*  
22            *the pilot program shall develop or modify, as applica-*  
23            *ble, disaster preparedness and disaster response plans*  
24            *to include the use of bicycles by first responders,*

1        *emergency workers, and community organization rep-*  
2        *resentatives—*

3                *(A) during a mandatory or voluntary evac-*  
4                *uation ordered by a Federal, State, Tribal, or*  
5                *local government entity—*

6                        *(i) to notify residents of the need to*  
7                        *evacuate;*

8                        *(ii) to evacuate individuals and goods;*  
9                        *and*

10                      *(iii) to reach individuals who are in*  
11                      *need of first aid and medical assistance;*  
12                      *and*

13                *(B) after a disaster or emergency declared*  
14                *by a Federal, State, Tribal, or local government*  
15                *entity—*

16                      *(i) to participate in search and rescue*  
17                      *activities;*

18                      *(ii) to carry commodities to be used for*  
19                      *life-saving or life-sustaining purposes, in-*  
20                      *cluding—*

21                                *(I) water;*

22                                *(II) food;*

23                                *(III) first aid and other medical*  
24                                *supplies; and*

1                   (IV) *power sources and electric*  
2                   *supplies, such as cell phones, radios,*  
3                   *lights, and batteries;*

4                   (iii) *to reach individuals who are in*  
5                   *need of the items described in clause (ii);*  
6                   *and*

7                   (iv) *to assist with other disaster relief*  
8                   *tasks, as appropriate.*

9                   (3) *PREPAREDNESS TRAINING, EXERCISES, AND*  
10                  *EQUIPMENT.—Each recipient of a grant under the*  
11                  *pilot program shall—*

12                   (A) *provide training for first responders,*  
13                   *emergency workers, and community organization*  
14                   *representatives regarding—*

15                   (i) *competent bicycle skills, including*  
16                   *the use of cargo bicycles and electric bicy-*  
17                   *cles, as applicable;*

18                   (ii) *basic bicycle maintenance; and*

19                   (iii) *methods to use bicycles to carry*  
20                   *out the activities described in subpara-*  
21                   *graphs (A) and (B) of paragraph (2);*

22                   (B) *conduct exercises for the purpose of—*

23                   (i) *exercising the skills described in*  
24                   *subparagraph (A); and*

1                   (ii) maintaining bicycles and related  
2                   equipment; and

3                   (C) provide bicycles, as necessary and ap-  
4                   propriate, to each community organization act-  
5                   ing in partnership with the recipient to allow  
6                   representatives of the organization to assist in  
7                   disaster preparedness and disaster response ef-  
8                   forts.

9                   (f) *REPORT.*—Not later than 3 years after the date of  
10 enactment of this Act, the Secretary shall submit to Con-  
11 gress a report that—

12                   (1) describes the activities carried out under the  
13 pilot program;

14                   (2) analyzes the effectiveness of the pilot pro-  
15 gram; and

16                   (3) includes recommendations, if any, regarding  
17 methods by which to incorporate bicycles into disaster  
18 preparedness and disaster response plans in other  
19 communities.

20 **SEC. 1506. APPALACHIAN REGIONAL DEVELOPMENT.**

21                   (a) *DEFINITION OF APPALACHIAN REGION, NORTH*  
22 *CAROLINA.*—Section 14102(a)(1)(G) of title 40, United  
23 States Code, is amended—

24                   (1) by inserting “Catawba,” after “Caldwell,”;  
25                   and

1           (2) by inserting “Cleveland,” after “Clay,”.

2           (b) *APPALACHIAN REGIONAL COMMISSION PLANNING*  
3 *PROCESSES.*—

4           (1) *MEMBERSHIP.*—Section 14301(b)(2) of title  
5 40, *United States Code*, is amended—

6           (A) in the second sentence, by striking  
7 “President,,” and inserting “President”; and

8           (B) by striking the fourth sentence.

9           (2) *DECISIONS.*—

10           (A) *IN GENERAL.*—Section 14302 of title  
11 40, *United States Code*, is amended—

12           (i) in subsection (a), by inserting after  
13 “Appalachian Regional Commission” the  
14 following: “involving Appalachian Regional  
15 Commission policy, the approval of State,  
16 regional, or subregional development plans  
17 or strategy statements, the modification or  
18 revision of the Appalachian Regional Com-  
19 mission Code, the allocation of amounts  
20 among the States, or designation of a dis-  
21 tressed county, an at-risk county, or an eco-  
22 nomically strong county”;

23           (ii) by striking subsection (c); and

24           (iii) by redesignating subsection (d) as  
25 subsection (c).

1                   (B) *CONFORMING AMENDMENT.*—Section  
 2                   14301(d)(1) of title 40, United States Code, is  
 3                   amended by striking “section 14302(c) and (d)”  
 4                   and inserting “subsections (a) and (c) of section  
 5                   14302”.

6                   (3) *MEETINGS.*—Section 14307 of title 40,  
 7                   United States Code, is amended to read as follows:

8                   **“§ 14307. Meetings**

9                   *“The Appalachian Regional Commission may conduct*  
 10                  *meetings by electronic means as the Appalachian Regional*  
 11                  *Commission considers advisable, including meetings to de-*  
 12                  *cide matters requiring an affirmative vote.”.*

13                  (c) *APPALACHIAN REGIONAL ENERGY HUB INITIA-*  
 14                  *TIVE.*—

15                  (1) *IN GENERAL.*—Subchapter I of chapter 145  
 16                  of subtitle IV of title 40, United States Code, is  
 17                  amended by adding at the end the following:

18                  **“§ 14511. Appalachian regional energy hub initiative**

19                  *“(a) IN GENERAL.*—The Appalachian Regional Com-  
 20                  mission may provide technical assistance to, make grants  
 21                  to, enter into contracts with, or otherwise provide amounts  
 22                  to individuals or entities in the Appalachian region for  
 23                  projects and activities—

24                  *“(1) to conduct research and analysis regarding*  
 25                  *the economic impact of an ethane storage hub in the*

1     *Appalachian region that supports a more-effective en-*  
2     *ergy market performance due to the scale of the*  
3     *project, such as a project with the capacity to store*  
4     *and distribute more than 100,000 barrels per day of*  
5     *hydrocarbon feedstock with a minimum gross heating*  
6     *value of 1,700 Btu per standard cubic foot;*

7             *“(2) with the potential to significantly con-*  
8     *tribute to the economic resilience of the area in which*  
9     *the project is located; and*

10            *“(3) that will help establish a regional energy*  
11     *hub in the Appalachian region for natural gas and*  
12     *natural gas liquids, including storage and associated*  
13     *pipelines.*

14            *“(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the*  
15     *cost of any activity eligible for a grant under this section—*

16            *“(1) not more than 50 percent may be provided*  
17     *from amounts made available to carry out this sec-*  
18     *tion;*

19            *“(2) in the case of a project to be carried out in*  
20     *a county for which a distressed county designation is*  
21     *in effect under section 14526, not more than 80 per-*  
22     *cent may be provided from amounts made available*  
23     *to carry out this section; and*

24            *“(3) in the case of a project to be carried out in*  
25     *a county for which an at-risk county designation is*

1       *in effect under section 14526, not more than 70 per-*  
2       *cent may be provided from amounts made available*  
3       *to carry out this section.*

4       “(c) *SOURCES OF ASSISTANCE.*—*Subject to subsection*  
5       *(b), a grant provided under this section may be provided*  
6       *from amounts made available to carry out this section, in*  
7       *combination with amounts made available—*

8               “(1) *under any other Federal program; or*

9               “(2) *from any other source.*”

10       “(d) *FEDERAL SHARE.*—*Notwithstanding any provi-*  
11       *sion of law limiting the Federal share under any other Fed-*  
12       *eral program, amounts made available to carry out this sec-*  
13       *tion may be used to increase that Federal share, as the Ap-*  
14       *palachian Regional Commission determines to be appro-*  
15       *priate.”.*

16               (2) *CLERICAL AMENDMENT.*—*The analysis for*  
17       *subchapter I of chapter 145 of title 40, United States*  
18       *Code, is amended by inserting after the item relating*  
19       *to section 14510 the following:*

      “14511. *Appalachian regional energy hub initiative.*”.

20       (d) *AUTHORIZATIONS.*—*Section 14703 of title 40,*  
21       *United States Code, is amended—*

22               (1) *in subsection (a)—*

23                       (A) *in paragraph (4), by striking “and” at*  
24               *the end;*

1           (B) in paragraph (5), by striking “through  
2           2020.” and inserting “through 2020; and”; and

3           (C) by adding at the end the following:

4           “(6) \$180,000,000 for each of fiscal years 2021  
5           through 2025.”;

6           (2) in subsection (c)—

7           (A) by striking “\$10,000,000” and inserting  
8           “\$20,000,000”; and

9           (B) by striking “2020” and inserting  
10           “2025”;

11           (3) by redesignating subsections (d) and (e) as  
12           subsections (e) and (f), respectively; and

13           (4) by inserting after subsection (c) the fol-  
14           lowing:

15           “(d) *APPALACHIAN REGIONAL ENERGY HUB INITIA-*  
16           *TIVE.—Of the amounts made available under subsection*  
17           *(a), \$5,000,000 shall be used to carry out section 14511 for*  
18           *each of fiscal years 2021 through 2025.”.*

19           (e) *TERMINATION.—Section 14704 of title 40, United*  
20           *States Code, is amended by striking “2020” and inserting*  
21           *“2025”.*

22           **SEC. 1507. REQUIREMENTS FOR TRANSPORTATION**  
23           **PROJECTS CARRIED OUT THROUGH PUBLIC-**  
24           **PRIVATE PARTNERSHIPS.**

25           (a) *DEFINITIONS.—In this section:*

1           (1) *PROJECT.*—*The term “project” means a*  
2           *project (as defined in section 101 of title 23, United*  
3           *States Code) that—*

4                   (A) *is carried out, in whole or in part,*  
5                   *using Federal financial assistance; and*

6                   (B) *has an estimated total cost of*  
7                   *\$100,000,000 or more.*

8           (2) *PUBLIC-PRIVATE PARTNERSHIP.*—*The term*  
9           *“public-private partnership” means an agreement be-*  
10           *tween a public agency and a private entity to fi-*  
11           *nance, build, and maintain or operate a project.*

12           (b) *REQUIREMENTS FOR PROJECTS CARRIED OUT*  
13           *THROUGH PUBLIC-PRIVATE PARTNERSHIPS.*—*With respect*  
14           *to a public-private partnership, as a condition of receiving*  
15           *Federal financial assistance for a project, the Secretary*  
16           *shall require the public partner, not later than 3 years after*  
17           *the date of opening of the project to traffic—*

18                   (1) *to conduct a review of the project, including*  
19                   *a review of the compliance of the private partner with*  
20                   *the terms of the public-private partnership agreement;*

21                   (2)(A) *to certify to the Secretary that the private*  
22                   *partner of the public-private partnership is meeting*  
23                   *the terms of the public-private partnership agreement*  
24                   *for the project; or*

1           (B) to notify the Secretary that the private part-  
2           ner of the public-private partnership has not met 1  
3           or more of the terms of the public-private partnership  
4           agreement for the project, including a brief descrip-  
5           tion of each violation of the public-private partner-  
6           ship agreement; and

7           (3) to make publicly available the certification or  
8           notification, as applicable, under paragraph (2) in a  
9           form that does not disclose any proprietary or con-  
10          fidential business information.

11          (c) NOTIFICATION.—If the Secretary provides Federal  
12          financial assistance to a project carried out through a pub-  
13          lic-private partnership, not later than 30 days after the  
14          date on which the Federal financial assistance is first obli-  
15          gated, the Secretary shall submit to the Committee on Envi-  
16          ronment and Public Works of the Senate and the Committee  
17          on Transportation and Infrastructure of the House of Rep-  
18          resentatives a notification of the Federal financial assist-  
19          ance made available for the project.

20          (d) VALUE FOR MONEY ANALYSIS.—

21                (1) PROJECT APPROVAL AND OVERSIGHT.—Sec-  
22                tion 106(h)(3) of title 23, United States Code, is  
23                amended—

24                        (A) in subparagraph (C), by striking “and”  
25                        at the end;

1           (B) by redesignating subparagraph (D) as  
2           subparagraph (E); and

3           (C) by inserting after subparagraph (C) the  
4           following:

5           “(D) for a project in which the project spon-  
6           sor intends to carry out the project through a  
7           public-private partnership agreement, shall in-  
8           clude a detailed value for money analysis or  
9           similar comparative analysis for the project;  
10          and”.

11          (2) *SURFACE TRANSPORTATION BLOCK GRANT*  
12          *PROGRAM.*—Paragraph (16) of section 133(b) of title  
13          23, *United States Code* (as redesignated by section  
14          1109(a)(1)(C)), is amended by inserting “, including  
15          conducting value for money analyses or similar com-  
16          parative analyses,” after “oversight”.

17          (3) *TIFIA.*—Section 602(a) of title 23, *United*  
18          *States Code*, is amended by adding at the end the fol-  
19          lowing:

20          “(11) *PUBLIC-PRIVATE PARTNERSHIPS.*—In the  
21          case of a project to be carried out through a public-  
22          private partnership, the public partner shall have—

23                  “(A) conducted a value for money analysis  
24                  or similar comparative analysis; and

1                   “(B) determined the appropriateness of the  
2                   public-private partnership agreement.”.

3           (e) *APPLICABILITY.*—*This section and the amendments*  
4 *made by this section shall only apply to a public-private*  
5 *partnership agreement entered into on or after the date of*  
6 *enactment of this Act.*

7 **SEC. 1508. COMMUNITY CONNECTIVITY PILOT PROGRAM.**

8           (a) *DEFINITION OF ELIGIBLE FACILITY.*—

9                   (1) *IN GENERAL.*—*In this section, the term “eli-*  
10 *gible facility” means a highway or other transpor-*  
11 *tation facility that creates a barrier to community*  
12 *connectivity, including barriers to mobility, access, or*  
13 *economic development, due to high speeds, grade sepa-*  
14 *rations, or other design factors.*

15                   (2) *INCLUSIONS.*—*In this section, the term “eli-*  
16 *gible facility” may include—*

17                           (A) *a limited access highway;*

18                           (B) *a viaduct; and*

19                           (C) *any other principal arterial facility.*

20           (b) *ESTABLISHMENT.*—*The Secretary shall establish a*  
21 *pilot program through which an eligible entity may apply*  
22 *for funding—*

23                   (1) *to study the feasibility and impacts of re-*  
24 *moving an existing eligible facility;*

1           (2) *to conduct planning activities necessary to*  
2 *design a project to remove an existing eligible facility;*  
3 *and*

4           (3) *to conduct construction activities necessary*  
5 *to carry out a project to remove an existing eligible*  
6 *facility.*

7           (c) *PLANNING GRANTS.—*

8           (1) *ELIGIBLE ENTITIES.—The Secretary may*  
9 *award a grant (referred to in this section as a “plan-*  
10 *ning grant”)* *to carry out planning activities de-*  
11 *scribed in paragraph (2) to—*

12                   (A) *a State;*

13                   (B) *a unit of local government;*

14                   (C) *a Tribal government;*

15                   (D) *a metropolitan planning organization;*

16           *and*

17                   (E) *a nonprofit organization.*

18           (2) *ELIGIBLE ACTIVITIES DESCRIBED.—The*  
19 *planning activities referred to in paragraph (1) are—*

20                   (A) *planning studies to evaluate the feasi-*  
21 *bility of removing an eligible facility, including*  
22 *evaluations of—*

23                           (i) *current traffic patterns on the eligi-*  
24 *ble facility proposed for removal and the*  
25 *surrounding street network;*

1                   (ii) the capacity of existing transpor-  
2                   tation networks to maintain mobility needs;

3                   (iii) an analysis of alternative road-  
4                   way designs or other uses for the right-of-  
5                   way of the eligible facility, including an  
6                   analysis of whether the available right-of-  
7                   way would suffice to create an alternative  
8                   roadway design;

9                   (iv) the effect of the removal of the eli-  
10                  gible facility on the mobility of freight and  
11                  people;

12                  (v) the effect of the removal of the eligi-  
13                  ble facility on the safety of the traveling  
14                  public;

15                  (vi) the cost to remove the eligible facil-  
16                  ity and to convert the eligible facility to a  
17                  different roadway design or use, compared  
18                  to any expected costs for necessary mainte-  
19                  nance or reconstruction of the eligible facil-  
20                  ity;

21                  (vii) the anticipated economic impact  
22                  of removing and converting the eligible fa-  
23                  cility and any economic development oppor-  
24                  tunities that would be created by removing  
25                  and converting the eligible facility; and

1                   (viii) the environmental impacts of re-  
2                   taining or reconstructing the eligible facil-  
3                   ity and the anticipated effect of the pro-  
4                   posed alternative use or roadway design;

5                   (B) public engagement activities to provide  
6                   opportunities for public input into a plan to re-  
7                   move and convert an eligible facility; and

8                   (C) other transportation planning activities  
9                   required in advance of a project to remove an ex-  
10                  isting eligible facility, as determined by the Sec-  
11                  retary.

12                  (3) *TECHNICAL ASSISTANCE PROGRAM.*—

13                  (A) *IN GENERAL.*—The Secretary may pro-  
14                  vide technical assistance described in subpara-  
15                  graph (B) to an eligible entity.

16                  (B) *TECHNICAL ASSISTANCE DESCRIBED.*—  
17                  The technical assistance referred to in subpara-  
18                  graph (A) is technical assistance in building or-  
19                  ganizational or community capacity—

20                         (i) to engage in transportation plan-  
21                         ning; and

22                         (ii) to identify innovative solutions to  
23                         infrastructure challenges, including recon-  
24                         necting communities that—

1                   (I) are bifurcated by eligible fa-  
2                   cilities; or

3                   (II) lack safe, reliable, and afford-  
4                   able transportation choices.

5                   (C) *PRIORITIES.*—In selecting recipients of  
6                   technical assistance under subparagraph (A), the  
7                   Secretary shall give priority to an application  
8                   from a community that is economically dis-  
9                   advantaged.

10                  (4) *SELECTION.*—The Secretary shall—

11                   (A) solicit applications for—

12                   (i) planning grants; and

13                   (ii) technical assistance under para-  
14                   graph (3); and

15                   (B) evaluate applications for a planning  
16                   grant on the basis of the demonstration by the  
17                   applicant that—

18                   (i) the eligible facility is aged and is  
19                   likely to need replacement or significant re-  
20                   construction within the 20-year period be-  
21                   ginning on the date of the submission of the  
22                   application;

23                   (ii) the eligible facility—

24                   (I) creates barriers to mobility,  
25                   access, or economic development; or

1                   (II) is not justified by current  
2                   and forecast future travel demand; and  
3                   (iii) on the basis of preliminary inves-  
4                   tigations into the feasibility of removing the  
5                   eligible facility, further investigation is nec-  
6                   essary and likely to be productive.

7                   (5) *AWARD AMOUNTS.*—A planning grant may  
8                   not exceed \$2,000,000 per recipient.

9                   (6) *FEDERAL SHARE.*—The total Federal share  
10                  of the cost of a planning activity for which a plan-  
11                  ning grant is used shall not exceed 80 percent.

12                 (d) *CAPITAL CONSTRUCTION GRANTS.*—

13                 (1) *ELIGIBLE ENTITIES.*—The Secretary may  
14                 award a grant (referred to in this section as a “cap-  
15                 ital construction grant”) to the owner of an eligible  
16                 facility to carry out an eligible project described in  
17                 paragraph (3) for which all necessary feasibility stud-  
18                 ies and other planning activities have been completed.

19                 (2) *PARTNERSHIPS.*—An owner of an eligible fa-  
20                 cility may, for the purposes of submitting an applica-  
21                 tion for a capital construction grant, if applicable,  
22                 partner with—

23                         (A) a State;

24                         (B) a unit of local government;

25                         (C) a Tribal government;

1           (D) a metropolitan planning organization;

2           or

3           (E) a nonprofit organization.

4           (3) *ELIGIBLE PROJECTS.*—A project eligible to be  
5 carried out with a capital construction grant in-  
6 cludes—

7           (A) the removal of an eligible facility; and

8           (B) the replacement of an eligible facility  
9 with a new facility that is—

10           (i) sensitive to the context of the sur-  
11 rounding community; and

12           (ii) otherwise eligible for funding  
13 under title 23, United States Code.

14           (4) *SELECTION.*—The Secretary shall—

15           (A) solicit applications for capital construc-  
16 tion grants; and

17           (B) evaluate applications on the basis of—

18           (i) the degree to which the project will  
19 improve mobility and access through the re-  
20 moval of barriers;

21           (ii) the appropriateness of removing  
22 the eligible facility, based on current traffic  
23 patterns and the ability of the replacement  
24 facility and the regional transportation net-

1                    *work to absorb transportation demand and*  
2                    *provide safe mobility and access;*

3                    *(iii) the impact of the project on*  
4                    *freight movement;*

5                    *(iv) the results of a cost-benefit anal-*  
6                    *ysis of the project;*

7                    *(v) the opportunities for inclusive eco-*  
8                    *nom ic development;*

9                    *(vi) the degree to which the eligible fa-*  
10                    *ci lity is out of context with the current or*  
11                    *planned land use;*

12                    *(vii) the results of any feasibility study*  
13                    *completed for the project; and*

14                    *(viii) the plan of the applicant for—*

15                    *(I) employing residents in the*  
16                    *area impacted by the project through*  
17                    *targeted hiring programs, in partner-*  
18                    *ship with registered apprenticeship*  
19                    *programs, if applicable; and*

20                    *(II) contracting and subcon-*  
21                    *tracting with disadvantaged business*  
22                    *enterprises.*

23                    *(5) MINIMUM AWARD AMOUNTS.—A capital con-*  
24                    *struction grant shall be in an amount not less than*  
25                    *\$5,000,000 per recipient.*

1           (6) *FEDERAL SHARE.*—

2                 (A) *IN GENERAL.*—*Subject to subparagraph*  
3           *(B), a capital construction grant may not exceed*  
4           *50 percent of the total cost of the project for*  
5           *which the grant is awarded.*

6                 (B) *MAXIMUM FEDERAL INVOLVEMENT.*—  
7           *Federal assistance other than a capital construc-*  
8           *tion grant may be used to satisfy the non-Fed-*  
9           *eral share of the cost of a project for which the*  
10          *grant is awarded, except that the total Federal*  
11          *assistance provided for a project for which the*  
12          *grant is awarded may not exceed 80 percent of*  
13          *the total cost of the project.*

14          (7) *COMMUNITY ADVISORY BOARD.*—

15                 (A) *IN GENERAL.*—*To help achieve inclusive*  
16          *economic development benefits with respect to the*  
17          *project for which a grant is awarded, a grant re-*  
18          *cipient may form a community advisory board,*  
19          *which shall—*

20                         (i) *facilitate community engagement*  
21                         *with respect to the project; and*

22                         (ii) *track progress with respect to com-*  
23                         *mitments of the grant recipient to inclusive*  
24                         *employment, contracting, and economic de-*  
25                         *velopment under the project.*

1           (B) *MEMBERSHIP.*—*If a grant recipient*  
2           *forms a community advisory board under sub-*  
3           *paragraph (A), the community advisory board*  
4           *shall be composed of representatives of—*

5                     *(i) the community;*

6                     *(ii) owners of businesses that serve the*  
7           *community;*

8                     *(iii) labor organizations that represent*  
9           *workers that serve the community; and*

10                    *(iv) State and local government.*

11        *(e) REPORTS.—*

12            (1) *USDOT REPORT ON PILOT PROGRAM.*—*Not*  
13        *later than January 1, 2025, the Secretary shall sub-*  
14        *mit to the Committee on Environment and Public*  
15        *Works of the Senate and the Committee on Transpor-*  
16        *tation and Infrastructure of the House of Representa-*  
17        *tives a report that evaluates the pilot program under*  
18        *this section, including—*

19                    *(A) information about the level of applicant*  
20        *interest in planning grants, technical assistance*  
21        *under subsection (c)(3), and capital construction*  
22        *grants, including the extent to which overall de-*  
23        *mand exceeded available funds; and*

1           (B) for recipients of capital construction  
2 grants, the outcomes and impacts of the highway  
3 removal project, including—

4           (i) any changes in the overall level of  
5 mobility, congestion, access, and safety in  
6 the project area; and

7           (ii) environmental impacts and eco-  
8 nomic development opportunities in the  
9 project area.

10           (2) GAO REPORT ON HIGHWAY REMOVALS.—Not  
11 later than 2 years after the date of enactment of this  
12 Act, the Comptroller General of the United States  
13 shall issue a report that—

14           (A) identifies examples of projects to remove  
15 highways using Federal highway funds;

16           (B) evaluates the effect of highway removal  
17 projects on the surrounding area, including im-  
18 pacts to the local economy, congestion effects,  
19 safety outcomes, and impacts on the movement of  
20 freight and people;

21           (C) evaluates the existing Federal-aid pro-  
22 gram eligibility under title 23, United States  
23 Code, for highway removal projects;

24           (D) analyzes the costs and benefits of and  
25 barriers to removing underutilized highways that

1           are nearing the end of their useful life compared  
2           to replacing or reconstructing the highway; and

3           (E) provides recommendations for inte-  
4           grating those assessments into transportation  
5           planning and decision-making processes.

6           (f) *TECHNICAL ASSISTANCE.*—Of the funds made  
7           available to carry out this section for planning grants, the  
8           Secretary may use not more than \$15,000,000 during the  
9           period of fiscal years 2021 through 2025 to provide tech-  
10          nical assistance under subsection (c)(3).

11       **SEC. 1509. REPEAL OF RESCISSION.**

12          (a) *IN GENERAL.*—Section 1438 of the *FAST Act*  
13          (Public Law 114–94; 129 Stat. 1432) is repealed.

14          (b) *CLERICAL AMENDMENT.*—The table of contents in  
15          section 1(b) of the *FAST Act* (Public Law 114–94; 129 Stat.  
16          1312) is amended by striking the item relating to section  
17          1438.

18       **SEC. 1510. FEDERAL INTERAGENCY WORKING GROUP FOR**  
19                               **CONVERSION OF FEDERAL FLEET TO HYBRID-**  
20                               **ELECTRIC VEHICLES, ELECTRIC VEHICLES,**  
21                               **AND ALTERNATIVE FUELED VEHICLES.**

22          (a) *IN GENERAL.*—Not later than 1 year after the date  
23          of enactment of this Act, the Chair of the Council on Envi-  
24          ronmental Quality shall coordinate and chair a Federal  
25          interagency working group to develop a strategy to transi-

1 *tion the vehicle fleets of the respective Federal agencies to*  
2 *hybrid-electric vehicles, plug-in electric drive vehicles, and*  
3 *alternative fueled vehicles (as defined in section 301 of the*  
4 *Energy Policy Act of 1992 (42 U.S.C. 13211)), to the max-*  
5 *imum extent practicable.*

6 (b) *GOALS.—The goals of the interagency working*  
7 *group established under subsection (a) are—*

8 (1) *to ensure that the Federal vehicle fleet is at*  
9 *the leading edge of transitioning to clean energy*  
10 *sources; and*

11 (2) *to develop targets for each year such that the*  
12 *total number of vehicles purchased for the Federal*  
13 *fleet in the applicable year includes a percentage of*  
14 *hybrid-electric vehicles, plug-in electric drive vehicles,*  
15 *and alternative fueled vehicles that is not less than*  
16 *the percentage of hybrid-electric vehicles, plug-in elec-*  
17 *tric drive vehicles, and alternative fueled vehicles pur-*  
18 *chased in the United States in the previous year.*

19 (c) *REQUIREMENT.—In developing the strategy under*  
20 *subsection (a), the interagency working group established*  
21 *under that subsection shall consider—*

22 (1) *cost-effectiveness; and*

23 (2) *the types of vehicles that are appropriate to*  
24 *the mission of each Federal agency.*

1       (d) *REPORT.*—Not later than 1 year after the date of  
2 enactment of this Act, and annually thereafter, the Federal  
3 interagency working group shall submit to the Committee  
4 on Environment and Public Works of the Senate and the  
5 Committee on Transportation and Infrastructure of the  
6 House of Representatives a report that describes the progress  
7 made toward implementing the strategy developed under  
8 subsection (a).

9 **SEC. 1511. CYBERSECURITY TOOL; CYBER COORDINATOR.**

10       (a) *DEFINITIONS.*—In this section:

11           (1) *ADMINISTRATOR.*—The term “Adminis-  
12 trator” means the Administrator of the Federal High-  
13 way Administration.

14           (2) *CYBER INCIDENT.*—The term “cyber inci-  
15 dent” has the meaning given the term “significant  
16 cyber incident” in Presidential Policy Directive–41  
17 (July 26, 2016, relating to cyber incident coordina-  
18 tion).

19           (3) *TRANSPORTATION AUTHORITY.*—The term  
20 “transportation authority” means—

21                   (A) a public authority (as defined in section  
22 101(a) of title 23, United States Code);

23                   (B) an owner or operator of a highway (as  
24 defined in section 101(a) of title 23, United  
25 States Code);

1           (C) a manufacturer that manufactures a  
2           product related to transportation; and

3           (D) a division office of the Federal High-  
4           way Administration.

5       (b) *CYBERSECURITY TOOL*.—

6           (1) *IN GENERAL*.—Not later than 2 years after  
7           the date of enactment of this Act, the Administrator  
8           shall develop a tool to assist transportation authori-  
9           ties in identifying, detecting, protecting against, re-  
10          sponding to, and recovering from cyber incidents.

11          (2) *REQUIREMENTS*.—In developing the tool  
12          under paragraph (1), the Administrator shall—

13               (A) use the cybersecurity framework estab-  
14               lished by the National Institute of Standards  
15               and Technology and required by Executive Order  
16               13636 of February 12, 2013 (78 Fed. Reg.  
17               11739; relating to improving critical infrastruc-  
18               ture cybersecurity);

19               (B) establish a structured cybersecurity as-  
20               sessment and development program;

21               (C) consult with appropriate transportation  
22               authorities, operating agencies, industry stake-  
23               holders, and cybersecurity experts; and

24               (D) provide for a period of public comment  
25               and review on the tool.

1       (c) *DESIGNATION OF CYBER COORDINATOR.*—

2           (1) *IN GENERAL.*—Not later than 2 years after  
3       the date of enactment of this Act, the Administrator  
4       shall designate an office as a “cyber coordinator”,  
5       which shall be responsible for monitoring, alerting,  
6       and advising transportation authorities of cyber inci-  
7       dents.

8           (2) *REQUIREMENTS.*—The office designated  
9       under paragraph (1) shall—

10           (A) provide to transportation authorities a  
11       secure method of notifying a single Federal enti-  
12       ty of cyber incidents;

13           (B) monitor cyber incidents that affect  
14       transportation authorities;

15           (C) alert transportation authorities to cyber  
16       incidents that affect those transportation au-  
17       thorities;

18           (D) investigate unaddressed cyber incidents  
19       that affect transportation authorities; and

20           (E) provide to transportation authorities  
21       educational resources, outreach, and awareness  
22       on fundamental principles and best practices in  
23       cybersecurity for transportation systems.

1 **SEC. 1512. STUDY ON MOST EFFECTIVE UPGRADES TO**  
2 **ROADWAY INFRASTRUCTURE.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date  
4 of enactment of this Act, the Secretary shall offer to enter  
5 into an agreement with the Transportation Research Board  
6 of the National Academies of Sciences, Engineering, and  
7 Medicine to conduct a study—

8 (1) to identify specific immediate and specific  
9 long-term types of improvements to roadway infra-  
10 structure that would benefit the largest segment of  
11 road users, autonomous vehicles, and automated driv-  
12 ing systems; and

13 (2) to examine how best to achieve uniformity in  
14 roadway infrastructure to facilitate the safe deploy-  
15 ment of autonomous vehicles and automated driving  
16 systems.

17 (b) *RECOMMENDATIONS.*—The study conducted under  
18 subsection (a) shall include recommendations to Congress  
19 relating to the matters studied under paragraphs (1) and  
20 (2) of that subsection.

21 (c) *PUBLIC COMMENT.*—Before entering into an agree-  
22 ment under subsection (a), the Secretary shall provide an  
23 opportunity for public comment on the study proposal.

24 (d) *REPORT.*—If the Transportation Research Board  
25 enters into the agreement under subsection (a), to the max-  
26 imum extent practicable, not later than 2 years after the

1 *date of enactment of this Act, the Secretary shall submit*  
2 *to Congress the study conducted under that subsection.*

3 **SEC. 1513. STUDY ON VEHICLE-TO-INFRASTRUCTURE COM-**  
4 **MUNICATION TECHNOLOGY.**

5 *(a) IN GENERAL.—Not later than 1 year after the date*  
6 *of enactment of this Act, the Secretary shall offer to enter*  
7 *into an agreement with the Transportation Research Board*  
8 *of the National Academy of Sciences, Engineering, and*  
9 *Medicine to conduct a study to identify immediate and*  
10 *long-term safety benefits of—*

11 *(1) vehicle-to-infrastructure connectivity tech-*  
12 *nologies; and*

13 *(2) technologies that would allow motor vehicles*  
14 *and roadway infrastructure to communicate using*  
15 *dedicated short-range communications and related*  
16 *safety applications.*

17 *(b) CONTENTS.—The study conducted under subsection*  
18 *(a) shall include—*

19 *(1) recommendations to Congress on specific im-*  
20 *provements to roadway infrastructure that would be*  
21 *needed to facilitate the implementation of—*

22 *(A) technologies that would allow motor ve-*  
23 *hicles and roadway infrastructure to commu-*  
24 *nicate using dedicated short-range communica-*  
25 *tions; and*

1                   (B)       other       vehicle-to-infrastructure  
2                   connectivity technologies; and

3                   (2) an evaluation of the safety, mobility, and en-  
4                   vironmental impacts resulting from a delay of the  
5                   adoption of proven dedicated short-range communica-  
6                   tion technologies for vehicle-to-infrastructure commu-  
7                   nication.

8                   (c) *PUBLIC COMMENT.*—Before entering into an agree-  
9                   ment under subsection (a), the Secretary shall provide an  
10                  opportunity for public comment on the study proposal.

11                  (d) *REPORT.*—If the Transportation Research Board  
12                  enters into the agreement under subsection (a), to the max-  
13                  imum extent practicable, not later than 2 years after the  
14                  date of enactment of this Act, the Secretary shall submit  
15                  to Congress the study conducted under this section.

16   **SEC. 1514. NONHIGHWAY RECREATIONAL FUEL STUDY.**

17                  (a) *DEFINITIONS.*—In this section:

18                   (1) *HIGHWAY TRUST FUND.*—The term “High-  
19                   way Trust Fund” means the Highway Trust Fund es-  
20                   tablished by section 9503(a) of the Internal Revenue  
21                   Code of 1986.

22                   (2) *NONHIGHWAY RECREATIONAL FUEL TAXES.*—  
23                   The term “nonhighway recreational fuel taxes” means  
24                   taxes under section 4041 and 4081 of the Internal  
25                   Revenue Code of 1986 with respect to fuel used in ve-

1        *hicles on recreational trails or back country terrain*  
2        *(including vehicles registered for highway use when*  
3        *used on recreational trails, trail access roads not eli-*  
4        *gible for funding under title 23, United States Code,*  
5        *or back country terrain).*

6            (3) *RECREATIONAL TRAILS PROGRAM.*—*The term*  
7        *“recreational trails program” means the recreational*  
8        *trails program under section 206 of title 23, United*  
9        *States Code.*

10        (b) *ASSESSMENT; REPORT.*—

11            (1) *ASSESSMENT.*—*Not later than 1 year after*  
12        *the date of enactment of this Act and not less fre-*  
13        *quently than once every 5 years thereafter, as deter-*  
14        *mined by the Secretary, the Secretary shall carry out*  
15        *an assessment of the best available estimate of the*  
16        *total amount of nonhighway recreational fuel taxes*  
17        *received by the Secretary of the Treasury and trans-*  
18        *ferred to the Highway Trust Fund for the period cov-*  
19        *ered by the assessment.*

20            (2) *REPORT.*—*After carrying out each assess-*  
21        *ment under paragraph (1), the Secretary shall submit*  
22        *to the Committees on Finance and Environment and*  
23        *Public Works of the Senate and the Committees on*  
24        *Ways and Means and Transportation and Infrastruc-*

1 *ture of the House of Representatives a report that in-*  
2 *cludes—*

3 *(A) to assist Congress in determining an*  
4 *appropriate funding level for the recreational*  
5 *trails program—*

6 *(i) a description of the results of the*  
7 *assessment; and*

8 *(ii) an evaluation of whether the cur-*  
9 *rent recreational trails program funding*  
10 *level reflects the amount of nonhighway rec-*  
11 *reational fuel taxes collected and transferred*  
12 *to the Highway Trust Fund; and*

13 *(B) in the case of the first report submitted*  
14 *under this paragraph, an estimate of the fre-*  
15 *quency with which the Secretary anticipates car-*  
16 *rying out the assessment under paragraph (1),*  
17 *subject to the condition that such an assessment*  
18 *shall be carried out not less frequently than once*  
19 *every 5 years.*

20 *(c) CONSULTATION.—In carrying out an assessment*  
21 *under subsection (b)(1), the Secretary may consult with, as*  
22 *the Secretary determines to be appropriate—*

23 *(1) the heads of—*

24 *(A) State agencies designated by Governors*  
25 *pursuant to section 206(c)(1) of title 23, United*

1           *States Code, to administer the recreational trails*  
 2           *program; and*

3                   *(B) division offices of the Department;*

4                   *(2) the Secretary of the Treasury;*

5                   *(3) the Administrator of the Federal Highway*  
 6           *Administration; and*

7                   *(4) groups representing recreational activities*  
 8           *and interests, including hiking, biking and mountain*  
 9           *biking, horseback riding, water trails, snowshoeing,*  
 10           *cross-country skiing, snowmobiling, off-highway*  
 11           *motorcycling, all-terrain vehicles and other offroad*  
 12           *motorized vehicle activities, and recreational trail ad-*  
 13           *vocates.*

14   **SEC. 1515. BUY AMERICA.**

15           *Section 313 of title 23, United States Code, is amend-*  
 16   *ed—*

17                   *(1) by redesignating subsection (g) as subsection*  
 18           *(h); and*

19                   *(2) by inserting after subsection (f) the following:*  
 20           *“(g) WAIVERS.—*

21                   *“(1) IN GENERAL.—Not less than 15 days before*  
 22           *issuing a waiver under this section, the Secretary*  
 23           *shall provide to the public—*

24                   *“(A) notice of the proposed waiver;*

1                   “(B) an opportunity for comment on the  
2                   proposed waiver; and

3                   “(C) the reasons for the proposed waiver.

4                   “(2) *REPORT.*—Not less frequently than annu-  
5                   ally, the Secretary shall submit to the Committee on  
6                   Environment and Public Works of the Senate and the  
7                   Committee on Transportation and Infrastructure of  
8                   the House of Representatives a report on the waivers  
9                   provided under this section.”.

10 **SEC. 1516. REPORT ON DATA-DRIVEN INFRASTRUCTURE**  
11 **TRAFFIC SAFETY IMPROVEMENTS.**

12                   *The Administrator of the Federal Highway Adminis-*  
13 *tration shall—*

14                   (1) *conduct a study to identify data-driven in-*  
15 *frastructure traffic safety improvements for priority*  
16 *focus areas identified by the Administrator, including*  
17 *improvements that would benefit older drivers, teen-*  
18 *age drivers, commercial drivers, and other vulnerable*  
19 *drivers;*

20                   (2) *on completion of the study under paragraph*  
21 *(1), submit to the Committee on Environment and*  
22 *Public Works of the Senate and the Committee on*  
23 *Transportation and Infrastructure of the House of*  
24 *Representatives a report that—*

25                   (A) *describes the results of the study; and*

1           (B) includes recommendations for data-  
2           driven infrastructure traffic safety improvements  
3           that could be implemented; and

4           (3) based on the results of the study, promote the  
5           use of the data-driven infrastructure traffic safety im-  
6           provements recommended under paragraph (2)(B).

7   **SEC. 1517. HIGH PRIORITY CORRIDORS ON THE NATIONAL**  
8           **HIGHWAY SYSTEM.**

9           (a) *HIGH PRIORITY CORRIDORS.*—Section 1105(c) of  
10 *the Intermodal Surface Transportation Efficiency Act of*  
11 *1991 (Public Law 102–240; 105 Stat. 2032; 131 Stat. 797)*  
12 *is amended by adding at the end the following:*

13           “(91) *United States Route 421 from the inter-*  
14 *change with Interstate Route 85 in Greensboro, North*  
15 *Carolina, to the interchange with Interstate Route 95*  
16 *in Dunn, North Carolina.*

17           “(92) *The Wendell H. Ford (Western Kentucky)*  
18 *Parkway from the interchange with the William H.*  
19 *Natcher Parkway in Ohio County, Kentucky, west to*  
20 *the interchange of the Western Kentucky Parkway*  
21 *with the Edward T. Breathitt (Pennyrile) Parkway.*

22           “(93) *The South Mississippi Corridor from the*  
23 *Louisiana and Mississippi border near Natchez, Mis-*  
24 *issippi, to Gulfport, Mississippi, shall generally fol-*  
25 *low—*

1           “(A) *United States Route 84 from the Lou-*  
2           *isiana border at the Mississippi River passing in*  
3           *the vicinity of Natchez, Brookhaven, Monticello,*  
4           *Prentiss, and Collins, Mississippi, to the logical*  
5           *terminus with Interstate Route 59 in the vicin-*  
6           *ity of Laurel, Mississippi, and continuing on*  
7           *Interstate Route 59 south to the vicinity of Hat-*  
8           *tiesburg, Mississippi; and*

9           “(B) *United States Route 49 from the vicin-*  
10           *ity of Hattiesburg, Mississippi, south to Inter-*  
11           *state Route 10 in the vicinity of Gulfport, Mis-*  
12           *issippi, following Mississippi Route 601 south*  
13           *and terminating near the Mississippi State Port*  
14           *at Gulfport.*

15           “(94) *The Kosciusko to Gulf Coast corridor com-*  
16           *mencing at the logical terminus of Interstate Route*  
17           *55 near Vaiden, Mississippi, running south and pass-*  
18           *ing east of the vicinity of the Jackson Urbanized*  
19           *Area, connecting to United States Route 49 north of*  
20           *Hattiesburg, Mississippi, and generally following*  
21           *United States Route 49 to a logical connection with*  
22           *Interstate Route 10 in the vicinity of Gulfport, Mis-*  
23           *issippi.*

24           “(95) *The Interstate Route 22 spur from the vi-*  
25           *cinity of Tupelo, Mississippi, running south generally*

1        *along United States Route 45 to the vicinity of Shan-*  
2        *non, Mississippi.”.*

3        *(b) DESIGNATION AS FUTURE INTERSTATES.—Section*  
4        *1105(e)(5)(A) of the Intermodal Surface Transportation Ef-*  
5        *iciency Act of 1991 (Public Law 102–240; 109 Stat. 597;*  
6        *131 Stat. 797) is amended in the first sentence by striking*  
7        *“and subsection (c)(90)” and inserting “subsection (c)(90),*  
8        *subsection (c)(91), subsection (c)(92), subsection (c)(93)(A),*  
9        *subsection (c)(94), and subsection (c)(95)”.*

10        *(c) NUMBERING OF PARKWAY.—Section*  
11        *1105(e)(5)(C)(i) of the Intermodal Surface Transportation*  
12        *Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 598;*  
13        *126 Stat. 426; 131 Stat. 797) is amended by adding at the*  
14        *end the following: “The route referred to in subsection*  
15        *(c)(92) is designated as Interstate Route I–569.”.*

16        *(d) GAO REPORT ON DESIGNATION OF SEGMENTS AS*  
17        *PART OF INTERSTATE SYSTEM.—*

18                *(1) DEFINITION OF APPLICABLE SEGMENT.—In*  
19        *this subsection, the term “applicable segment” means*  
20        *a route described in paragraph (91) or (92) of section*  
21        *1105(c) of the Intermodal Surface Transportation Ef-*  
22        *iciency Act of 1991 (Public Law 102–240; 105 Stat.*  
23        *2032).*

24                *(2) REPORT.—*

1           (A) *IN GENERAL.*—Not later than 2 years  
2 after the date on which the applicable segments  
3 are open for operations as part of the Interstate  
4 System, the Comptroller General of the United  
5 States shall submit to Congress a report on the  
6 impact, if any, during that 2-year period of al-  
7 lowing the continuation of weight limits that ap-  
8 plied before the designation of the applicable seg-  
9 ment as a route on the Interstate System.

10           (B) *REQUIREMENTS.*—The report under  
11 subparagraph (A) shall—

12           (i) be informed by the views and docu-  
13 mentation provided by the State highway  
14 agency (or equivalent agency) in each State  
15 in which an applicable segment is located;

16           (ii) describe any impacts on safety and  
17 infrastructure on the applicable segments;

18           (iii) describe any view of the State  
19 highway agency (or equivalent agency) in  
20 each State in which an applicable segment  
21 is located on the impact of the applicable  
22 segment; and

23           (iv) focus only on the applicable seg-  
24 ments.

1 **SEC. 1518. INTERSTATE WEIGHT LIMITS.**

2 *Section 127 of title 23, United States Code, is amend-*  
 3 *ed—*

4 *(1) in subsection (l)(3)(A)—*

5 *(A) in the matter preceding clause (i), in*  
 6 *the first sentence, by striking “clause (i) or (ii)”*  
 7 *and inserting “clauses (i) through (iv)”;* and

8 *(B) by adding at the end the following:*

9 *“(iii) The Wendell H. Ford (Western*  
 10 *Kentucky) Parkway (to be designated as a*  
 11 *spur of Interstate Route 69) from the inter-*  
 12 *change with the William H. Natcher Park-*  
 13 *way in Ohio County, Kentucky, west to the*  
 14 *interchange of the Western Kentucky Park-*  
 15 *way with the Edward T. Breathitt*  
 16 *(Pennyrile) Parkway.*

17 *“(iv) The Edward T. Breathitt Park-*  
 18 *way (to be designated as a spur of Inter-*  
 19 *state Route 69) from Interstate 24 to Inter-*  
 20 *state 69.”;* and

21 *(2) by adding at the end the following:*

22 *“(v) OPERATION OF VEHICLES ON CERTAIN NORTH*  
 23 *CAROLINA HIGHWAYS.—If any segment in the State of*  
 24 *North Carolina of United States Route 17, United States*  
 25 *Route 29, United States Route 52, United States Route 64,*  
 26 *United States Route 70, United States Route 74, United*

1 *States Route 117, United States Route 220, United States*  
2 *Route 264, or United States Route 421 is designated as a*  
3 *route on the Interstate System, a vehicle that could operate*  
4 *legally on that segment before the date of such designation*  
5 *may continue to operate on that segment, without regard*  
6 *to any requirement under subsection (a).”.*

7 **SEC. 1519. INTERSTATE EXEMPTION.**

8 *Notwithstanding section 111 of title 23, United States*  
9 *Code, if the segment of highway described in paragraph (92)*  
10 *of section 1105(c) of the Intermodal Surface Transportation*  
11 *Efficiency Act of 1991 (Public Law 102–240; 105 Stat.*  
12 *2032) is designated as a route on the Interstate System,*  
13 *any commercial establishment operating legally in a rest*  
14 *area on that segment before the date of that designation*  
15 *may continue to operate in the Interstate right-of-way, sub-*  
16 *ject to the Interstate access standards established under sec-*  
17 *tion 111 of that title.*

18 **SEC. 1520. REPORT ON AIR QUALITY IMPROVEMENTS.**

19 *(a) IN GENERAL.—Not later than 3 years after the*  
20 *date of enactment of this Act, the Comptroller General of*  
21 *the United States shall submit a report that evaluates the*  
22 *congestion mitigation and air quality improvement pro-*  
23 *gram under section 149 of title 23, United States Code (re-*  
24 *ferred to in this section as the “program”), to—*

1           (1) *the Committee on Environment and Public*  
2           *Works of the Senate; and*

3           (2) *the Committee on Transportation and Infra-*  
4           *structure of the House of Representatives.*

5           (b) *CONTENTS.—The evaluation under subsection (a)*  
6           *shall include an evaluation of—*

7           (1) *the reductions of ozone, carbon monoxide,*  
8           *and particulate matter that result from projects under*  
9           *the program;*

10          (2) *the cost-effectiveness of the reductions de-*  
11          *scribed in paragraph (1);*

12          (3) *the result of investments of funding under the*  
13          *program in minority and low-income communities*  
14          *that are disproportionately affected by ozone, carbon*  
15          *monoxide, and particulate matter;*

16          (4) *the effectiveness, with respect to the attain-*  
17          *ment or maintenance of national ambient air quality*  
18          *standards under section 109 of the Clean Air Act (42*  
19          *U.S.C. 7409) for ozone, carbon monoxide, and partic-*  
20          *ulate matter, of performance measures established*  
21          *under section 150(c)(5) of title 23, United States*  
22          *Code, and performance targets established under sub-*  
23          *section (d) of that section for traffic congestion and*  
24          *on-road mobile source emissions;*

1           (5) *the extent to which there are any types of*  
2           *projects that are not eligible funding under the pro-*  
3           *gram that would be likely to contribute to the attain-*  
4           *ment or maintenance of the national ambient air*  
5           *quality standards described in paragraph (4); and*

6           (6) *the extent to which projects under the pro-*  
7           *gram reduce sulfur dioxide, nitrogen dioxide, and*  
8           *lead.*

9   **SEC. 1521. ROADSIDE HIGHWAY SAFETY HARDWARE.**

10          (a) *IN GENERAL.*—*Not later than 2 years after the*  
11          *date of enactment of this Act, the Secretary shall implement*  
12          *the following recommendations from the report of the Gov-*  
13          *ernment Accountability Office entitled “Highway Safety:*  
14          *More Robust DOT Oversight of Guardrails and Other Road-*  
15          *side Hardware Could Further Enhance Safety” published*  
16          *in June 2016 and numbered GAO–16–575:*

17                 (1) *Develop a process for third party verification*  
18                 *of full-scale crash testing results from crash test labs*  
19                 *to include a process for—*

20                         (A) *formally verifying the testing outcomes;*

21                         *and*

22                         (B) *providing for an independent pass/fail*  
23                         *determination.*

24                 (2) *Establish a process to enhance the independ-*  
25                 *ence of crash test labs by ensuring that those labs have*

1        *a clear separation between device development and*  
2        *testing in cases in which lab employees test devices*  
3        *that were developed within the parent organization of*  
4        *the employee.*

5        *(b) CONTINUED ISSUANCE OF ELIGIBILITY LET-*  
6        *TERS.—Until the implementation of the recommendations*  
7        *described in subsection (a) is complete, the Secretary shall*  
8        *ensure that the Administrator of the Federal Highway Ad-*  
9        *ministration continues to issue Federal-aid reimbursement*  
10       *eligibility letters as a service to States.*

11       **SEC. 1522. PERMEABLE PAVEMENTS STUDY.**

12       *(a) IN GENERAL.—Not later than 1 year after the date*  
13       *of enactment of this Act, the Secretary shall carry out a*  
14       *study—*

15                *(1) to gather existing information on the effects*  
16                *of permeable pavements on flood control in different*  
17                *contexts, including in urban areas, and over the life-*  
18                *time of the permeable pavement;*

19                *(2) to perform research to fill gaps in the exist-*  
20                *ing information gathered under paragraph (1); and*

21                *(3) to develop—*

22                        *(A) models for the performance of permeable*  
23                        *pavements in flood control; and*

24                        *(B) best practices for designing permeable*  
25                        *pavement to meet flood control requirements.*

1       (b) *DATA SURVEY.*—*In carrying out the study under*  
2 *subsection (a), the Secretary shall develop—*

3           (1) *a summary, based on available literature*  
4 *and models, of localized flood control capabilities of*  
5 *permeable pavement that considers long-term per-*  
6 *formance and cost information; and*

7           (2) *best practices for the design of localized flood*  
8 *control using permeable pavement that considers long-*  
9 *term performance and cost information.*

10       (c) *PUBLICATION.*—*The Secretary shall make a report*  
11 *describing the results of the study under subsection (a)*  
12 *available to States and units of local government.*

13 **SEC. 1523. EMERGENCY RELIEF PROJECTS.**

14       (a) *DEFINITION OF EMERGENCY RELIEF PROJECT.*—  
15 *In this section, the term “emergency relief project” means*  
16 *a project carried out under the emergency relief program*  
17 *under section 125 of title 23, United States Code.*

18       (b) *IMPROVING THE EMERGENCY RELIEF PROGRAM.*—  
19 *Not later than 90 days after the date of enactment of this*  
20 *Act, the Secretary shall—*

21           (1) *revise the emergency relief manual of the*  
22 *Federal Highway Administration—*

23               (A) *to include and reflect the definition of*  
24 *the term “resilience” (as defined in section*  
25 *101(a) of title 23, United States Code);*

1           (B) to identify procedures that States may  
2 use to incorporate resilience into emergency relief  
3 projects; and

4           (C) to encourage the use of Complete Streets  
5 design principles and consideration of access for  
6 moderate- and low-income families impacted by  
7 a declared disaster;

8           (2) develop best practices for improving the use  
9 of resilience in—

10           (A) the emergency relief program under sec-  
11 tion 125 of title 23, United States Code; and

12           (B) emergency relief efforts;

13           (3) provide to division offices of the Federal  
14 Highway Administration and State departments of  
15 transportation information on the best practices de-  
16 veloped under paragraph (2); and

17           (4) develop and implement a process to track—

18           (A) the consideration of resilience as part of  
19 the emergency relief program under section 125  
20 of title 23, United States Code; and

21           (B) the costs of emergency relief projects.

22 **SEC. 1524. CERTAIN GATHERING LINES LOCATED ON FED-**  
23 **ERAL LAND AND INDIAN LAND.**

24           (a) **DEFINITIONS.**—*In this section:*

25           (1) **FEDERAL LAND.**—

1           (A) *IN GENERAL.*—*The term “Federal land”*  
2           *means land the title to which is held by the*  
3           *United States.*

4           (B) *EXCLUSIONS.*—*The term “Federal*  
5           *land” does not include—*

6                   (i) *a unit of the National Park Sys-*  
7                   *tem;*

8                   (ii) *a unit of the National Wildlife*  
9                   *Refuge System;*

10                   (iii) *a component of the National Wil-*  
11                   *derness Preservation System;*

12                   (iv) *a wilderness study area within the*  
13                   *National Forest System; or*

14                   (v) *Indian land.*

15           (2) *GATHERING LINE AND ASSOCIATED FIELD*  
16           *COMPRESSION OR PUMPING UNIT.—*

17           (A) *IN GENERAL.*—*The term “gathering line*  
18           *and associated field compression or pumping*  
19           *unit” means—*

20                   (i) *a pipeline that is installed to trans-*  
21                   *port oil, natural gas and related constitu-*  
22                   *ents, or produced water from 1 or more*  
23                   *wells drilled and completed to produce oil or*  
24                   *gas; and*

1                   (ii) if necessary, 1 or more compressors  
2                   or pumps to raise the pressure of the trans-  
3                   ported oil, natural gas and related constitu-  
4                   ents, or produced water to higher pressures  
5                   necessary to enable the oil, natural gas and  
6                   related constituents, or produced water to  
7                   flow into pipelines and other facilities.

8                   (B) INCLUSIONS.—The term “gathering line  
9                   and associated field compression or pumping  
10                  unit” includes a pipeline or associated compres-  
11                  sion or pumping unit that is installed to trans-  
12                  port oil or natural gas from a processing plant  
13                  to a common carrier pipeline or facility.

14                  (C) EXCLUSIONS.—The term “gathering  
15                  line and associated field compression or pump-  
16                  ing unit” does not include a common carrier  
17                  pipeline.

18                  (3) INDIAN LAND.—The term “Indian land”  
19                  means land the title to which is held by—

20                         (A) the United States in trust for an In-  
21                         dian Tribe or an individual Indian; or

22                         (B) an Indian Tribe or an individual In-  
23                         dian subject to a restriction by the United States  
24                         against alienation.

1           (4) *PRODUCED WATER*.—The term “produced  
2           water” means water produced from an oil or gas well  
3           bore that is not a fluid prepared at, or transported  
4           to, the well site to resolve a specific oil or gas well  
5           bore or reservoir condition.

6           (5) *SECRETARY*.—The term “Secretary” means  
7           the Secretary of the Interior.

8           (b) *CERTAIN GATHERING LINES*.—

9           (1) *IN GENERAL*.—Subject to paragraph (2), the  
10          issuance of a sundry notice or right-of-way for a  
11          gathering line and associated field compression or  
12          pumping unit that is located on Federal land or In-  
13          dian land and that services any oil or gas well may  
14          be considered by the Secretary to be an action that is  
15          categorically excluded (as defined in section 1508.4 of  
16          title 40, Code of Federal Regulations (as in effect on  
17          the date of enactment of this Act)) for purposes of the  
18          National Environmental Policy Act of 1969 (42  
19          U.S.C. 4321 et seq.) if the gathering line and associ-  
20          ated field compression or pumping unit—

21                 (A) are within a field or unit for which an  
22                 approved land use plan or an environmental  
23                 document prepared pursuant to the National  
24                 Environmental Policy Act of 1969 (42 U.S.C.  
25                 4321 et seq.) analyzed transportation of oil, nat-

1            *ural gas, or produced water from 1 or more oil*  
2            *or gas wells in the field or unit as a reasonably*  
3            *foreseeable activity;*

4            *(B) are located adjacent to or within—*

5                    *(i) any existing disturbed area; or*

6                    *(ii) an existing corridor for a right-of-*  
7            *way; and*

8            *(C) would reduce—*

9                    *(i) in the case of a gathering line and*  
10            *associated field compression or pumping*  
11            *unit transporting methane, the total quan-*  
12            *tity of methane that would otherwise be*  
13            *vented, flared, or unintentionally emitted*  
14            *from the field or unit; or*

15                    *(ii) in the case of a gathering line and*  
16            *associated field compression or pumping*  
17            *unit not transporting methane, the vehic-*  
18            *ular traffic that would otherwise service the*  
19            *field or unit.*

20            *(2) APPLICABILITY.—Paragraph (1) shall apply*  
21            *to Indian land, or a portion of Indian land—*

22                    *(A) to which the National Environmental*  
23            *Policy Act of 1969 (42 U.S.C. 4321 et seq.) ap-*  
24            *plies; and*

1           (B) for which the Indian Tribe with juris-  
2           diction over the Indian land submits to the Sec-  
3           retary a written request that paragraph (1)  
4           apply to that Indian land (or portion of Indian  
5           land).

6           (c) *EFFECT ON OTHER LAW.*—Nothing in this sec-  
7           tion—

8           (1) affects or alters any requirement—

9           (A) relating to prior consent under—

10           (i) section 2 of the Act of February 5,  
11           1948 (62 Stat. 18, chapter 45; 25 U.S.C.  
12           324); or

13           (ii) section 16(e) of the Act of June 18,  
14           1934 (48 Stat. 987, chapter 576; 102 Stat.  
15           2939; 114 Stat. 47; 25 U.S.C. 5123(e))  
16           (commonly known as the “Indian Reorga-  
17           nization Act”);

18           (B) under section 306108 of title 54, United  
19           States Code; or

20           (C) under any other Federal law (including  
21           regulations) relating to Tribal consent for rights-  
22           of-way across Indian land; or

23           (2) makes the National Environmental Policy  
24           Act of 1969 (42 U.S.C. 4321 et seq.) applicable to  
25           land to which that Act otherwise would not apply.

1 **SEC. 1525. SENSE OF SENATE RELATING TO OFFSETS.**

2 *It is the sense of the Senate that—*

3 *(1) the Highway Trust Fund shall achieve long-*  
4 *term solvency through user fees; and*

5 *(2) any spending beyond current Highway Trust*  
6 *Fund revenues and balances during the reauthoriza-*  
7 *tion period under this Act shall be fully offset.*

8 **SEC. 1526. STUDY ON STORMWATER BEST MANAGEMENT**  
9 **PRACTICES.**

10 *(a) STUDY.—Not later than 180 days after the date*  
11 *of enactment of this Act, the Secretary and the Adminis-*  
12 *trator of the Environment Protection Agency shall offer to*  
13 *enter into an agreement with the Transportation Research*  
14 *Board of the National Academy of Sciences to conduct a*  
15 *study—*

16 *(1) to estimate pollutant loads from stormwater*  
17 *runoff from highways and pedestrian facilities eligible*  
18 *for assistance under title 23, United States Code, to*  
19 *inform the development of appropriate total max-*  
20 *imum daily load (as defined in section 130.2 of title*  
21 *40, Code of Federal Regulations (or successor regula-*  
22 *tions)) requirements;*

23 *(2) to provide recommendations regarding the*  
24 *evaluation and selection by State departments of*  
25 *transportation of potential stormwater management*  
26 *and total maximum daily load compliance strategies*

1       *within a watershed, including environmental restora-*  
2       *tion and pollution abatement carried out under sec-*  
3       *tion 328 of title 23, United States Code (including*  
4       *any revisions to law (including regulations) that the*  
5       *Transportation Research Board determines to be ap-*  
6       *propriate); and*

7               *(3) to examine the potential for the Secretary to*  
8       *assist State departments of transportation in car-*  
9       *rying out and communicating stormwater manage-*  
10       *ment practices for highways and pedestrian facilities*  
11       *that are eligible for assistance under title 23, United*  
12       *States Code, through information-sharing agreements,*  
13       *database assistance, or an administrative platform to*  
14       *provide the information described in paragraphs (1)*  
15       *and (2) to entities issued permits under the Federal*  
16       *Water Pollution Control Act (33 U.S.C. 1251 et seq.).*

17       ***(b) REQUIREMENTS.—****If the Transportation Research*  
18       *Board enters into an agreement under subsection (a), in*  
19       *conducting the study under that subsection, the Transpor-*  
20       *tation Research Board shall—*

21               *(1) review and supplement, as appropriate, the*  
22       *methodologies examined and recommended in the re-*  
23       *port of the National Academies of Sciences, Engineer-*  
24       *ing, and Medicine entitled “Approaches for Deter-*  
25       *mining and Complying with TMDL Requirements*

1       *Related to Roadway Stormwater Runoff*” and dated  
2       2019;

3           (2) *consult with—*

4               (A) *the Secretary;*

5               (B) *the Administrator of the Environmental*  
6       *Protection Agency;*

7               (C) *the Secretary of the Army, acting*  
8       *through the Chief of Engineers; and*

9               (D) *State departments of transportation;*  
10       *and*

11          (3) *solicit input from—*

12               (A) *stakeholders with experience in imple-*  
13       *menting stormwater management practices for*  
14       *projects; and*

15               (B) *educational and technical stormwater*  
16       *management groups.*

17          (c) *REPORT.—If the Transportation Research Board*  
18       *enters into an agreement under subsection (a), not later*  
19       *than 18 months after the date of enactment of this Act, the*  
20       *Transportation Research Board shall submit to the Sec-*  
21       *retary, the Committee on Environment and Public Works*  
22       *of the Senate, and the Committee on Transportation and*  
23       *Infrastructure of the House of Representatives a report de-*  
24       *scribing the results of the study.*

1 **SEC. 1527. STORMWATER BEST MANAGEMENT PRACTICES**  
2 **REPORTS.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *ADMINISTRATOR.—The term “Adminis-*  
5 *trator” means the Administrator of the Federal High-*  
6 *way Administration.*

7 (2) *BEST MANAGEMENT PRACTICES REPORT.—*  
8 *The term “best management practices report”*  
9 *means—*

10 (A) *the 2014 report sponsored by the Ad-*  
11 *ministrator entitled “Determining the State of*  
12 *the Practice in Data Collection and Performance*  
13 *Measurement of Stormwater Best Management*  
14 *Practices”;* and

15 (B) *the 1997 report sponsored by the Ad-*  
16 *ministrator entitled “Stormwater Best Manage-*  
17 *ment Practices in an Ultra-Urban Setting: Se-*  
18 *lection and Monitoring”.*

19 (b) *REISSUANCE.—Not later than 1 year after the date*  
20 *of enactment of this Act, the Administrator shall update*  
21 *and reissue each best management practices report to reflect*  
22 *new information and advancements in stormwater manage-*  
23 *ment.*

24 (c) *UPDATES.—Not less frequently than once every 5*  
25 *years after the date on which the Administrator reissues*  
26 *a best management practices report described in subsection*

1 (b), the Administrator shall update and reissue the best  
 2 management practices report until the earlier of the date  
 3 on which—

4 (1) the best management practices report is with-  
 5 drawn; or

6 (2) the contents of the best management practices  
 7 report are incorporated (including by reference) into  
 8 applicable regulations of the Administrator.

9 **SEC. 1528. INVASIVE PLANT ELIMINATION PROGRAM.**

10 (a) *DEFINITIONS.*—In this section:

11 (1) *INVASIVE PLANT.*—The term “invasive plant”  
 12 means a nonnative plant, tree, grass, or weed species,  
 13 including, at a minimum, cheatgrass, *Ventenata*  
 14 *dubia*, medusahead, bulbous bluegrass, Japanese  
 15 brome, rattail fescue, Japanese honeysuckle,  
 16 phragmites, autumn olive, Bradford pear, wild pars-  
 17 nip, sericea lespedeza, spotted knapweed, garlic mus-  
 18 tard, and palmer amaranth.

19 (2) *PROGRAM.*—The term “program” means the  
 20 grant program established under subsection (b).

21 (3) *TRANSPORTATION CORRIDOR.*—The term  
 22 “transportation corridor” means a road, highway,  
 23 railroad, or other surface transportation route.

24 (b) *ESTABLISHMENT.*—The Secretary shall carry out  
 25 a program to provide grants to States to eliminate or con-

1 *trol existing invasive plants or prevent introduction of or*  
2 *encroachment by new invasive plants along and in areas*  
3 *adjacent to transportation corridor rights-of-way.*

4 (c) *APPLICATION.—To be eligible to receive a grant*  
5 *under the program, a State shall submit to the Secretary*  
6 *an application at such time, in such manner, and con-*  
7 *taining such information as the Secretary may require.*

8 (d) *ELIGIBLE ACTIVITIES.—*

9 (1) *IN GENERAL.—Subject to this subsection, a*  
10 *State that receives a grant under the program may*  
11 *use the grant funds to carry out activities to elimi-*  
12 *nate or control existing invasive plants or prevent in-*  
13 *troduction of or encroachment by new invasive plants*  
14 *along and in areas adjacent to transportation cor-*  
15 *ridor rights-of-way.*

16 (2) *PRIORITIZATION OF PROJECTS.—In carrying*  
17 *out the program, the Secretary shall give priority to*  
18 *projects that utilize revegetation with native plants*  
19 *and wildflowers, including those that are pollinator-*  
20 *friendly.*

21 (3) *PROHIBITION ON CERTAIN USES OF*  
22 *FUNDS.—Amounts provided to a State under the pro-*  
23 *gram may not be used for costs relating to mowing*  
24 *a transportation corridor right-of-way or the adjacent*  
25 *area unless—*

1           (A) mowing is identified as the best means  
2           of treatment according to best management prac-  
3           tices; or

4           (B) mowing is used in conjunction with an-  
5           other treatment.

6           (4) *LIMITATION.*—Not more than 10 percent of  
7           the amounts provided to a State under the program  
8           may be used for the purchase of equipment.

9           (5) *ADMINISTRATIVE AND INDIRECT COSTS.*—Not  
10          more than 5 percent of the amounts provided to a  
11          State under the program may be used for the admin-  
12          istrative and other indirect costs (such as full time  
13          employee salaries, rent, insurance, subscriptions, util-  
14          ities, and office supplies) of carrying out eligible ac-  
15          tivities.

16          (e) *REQUIREMENTS.*—

17               (1) *COORDINATION.*—In carrying out eligible ac-  
18               tivities with a grant under the program, a State shall  
19               coordinate with—

20                       (A) units of local government, political sub-  
21                       divisions of the State, and Tribal authorities  
22                       that are carrying out eligible activities in the  
23                       areas to be treated;

1           (B) local regulatory authorities, in the case  
2 of a treatment along or adjacent to a railroad  
3 right-of-way; and

4           (C) with respect to the most effective road-  
5 side control methods, State and Federal land  
6 management agencies and any relevant Tribal  
7 authorities.

8           (2) ANNUAL REPORT.—Not later than 1 year  
9 after the date on which a State receives a grant under  
10 the program, and annually thereafter, that State shall  
11 provide to the Secretary an annual report on the  
12 treatments carried out using funds from the grant.

13           (f) FEDERAL SHARE.—

14           (1) IN GENERAL.—The Federal share of the cost  
15 of an eligible activity carried out using funds from a  
16 grant under the program shall be—

17           (A) in the case of a project that utilizes re-  
18 vegetation with native plants and wildflowers,  
19 including those that are pollinator-friendly, 75  
20 percent; and

21           (B) in the case of any other project not de-  
22 scribed in subparagraph (A), 50 percent.

23           (2) CERTAIN FUNDS COUNTED TOWARD NON-FED-  
24 ERAL SHARE.—A State may include amounts ex-  
25 pended by the State or a unit of local government in

1        *the State to address current invasive plant popu-*  
 2        *lations and prevent future infestation along or in*  
 3        *areas adjacent to transportation corridor rights-of-*  
 4        *way in calculating the non-Federal share required*  
 5        *under the program.*

6        *(g) FUNDING.—There is authorized to be appropriated*  
 7        *to carry out the program \$50,000,000 for each of fiscal*  
 8        *years 2021 through 2025.*

9        **SEC. 1529. OVER-THE-ROAD BUS TOLLING EQUITY.**

10        *Section 129(a) of title 23, United States Code, is*  
 11        *amended—*

12                *(1) in paragraph (3)(B)(i), by inserting “, to-*  
 13                *gether with the results of the audit under paragraph*  
 14                *(9)(C),” after “the audits”; and*

15                *(2) in paragraph (9)—*

16                        *(A) by striking “An over-the-road” and in-*  
 17                        *serting the following:*

18                                *“(A) IN GENERAL.—An over-the-road”;*

19                                *(B) in subparagraph (A) (as so designated),*  
 20                                *by striking “public transportation buses” and*  
 21                                *inserting “public transportation vehicles”; and*

22                                *(C) by adding at the end the following:*

23                                *“(B) REPORTS.—*

24                                        *“(i) IN GENERAL.—Not later than 90*  
 25                                        *days after the date of enactment of this sub-*

1 paragraph, a public authority that operates  
2 a toll facility shall report to the Secretary  
3 any rates, terms, or conditions for access to  
4 the toll facility by public transportation ve-  
5 hicles that differ from the rates, terms, or  
6 conditions applicable to over-the-road buses.

7 “(ii) *UPDATES.*—A public authority  
8 that operates a toll facility shall report to  
9 the Secretary any change to the rates,  
10 terms, or conditions for access to the toll fa-  
11 cility by public transportation vehicles that  
12 differ from the rates, terms, or conditions  
13 applicable to over-the-road buses by not  
14 later than 30 days after the date on which  
15 the change takes effect.

16 “(iii) *PUBLICATION.*—The Secretary  
17 shall publish information reported to the  
18 Secretary under clauses (i) and (ii) on a  
19 publicly accessible internet website.

20 “(C) *ANNUAL AUDIT.*—

21 “(i) *IN GENERAL.*—A public authority  
22 (as defined in section 101(a)) with jurisdic-  
23 tion over a toll facility shall—

24 “(I) conduct or have an inde-  
25 pendent auditor conduct an annual

1           *audit of toll facility records to verify*  
2           *compliance with this paragraph; and*

3           “(II) *report the results of the*  
4           *audit, together with the results of the*  
5           *audit under paragraph (3)(B), to the*  
6           *Secretary.*

7           “(ii) *RECORDS.—After providing rea-*  
8           *sonable notice, a public authority described*  
9           *in clause (i) shall make all records of the*  
10           *public authority pertaining to the toll facil-*  
11           *ity available for audit by the Secretary.*

12           “(iii) *NONCOMPLIANCE.—If the Sec-*  
13           *retary determines that a public authority*  
14           *described in clause (i) has not complied*  
15           *with this paragraph, the Secretary may re-*  
16           *quire the public authority to discontinue*  
17           *collecting tolls until an agreement with the*  
18           *Secretary is reached to achieve compli-*  
19           *ance.”.*

20   **SEC. 1530. BRIDGE TERMINOLOGY.**

21           “(a) *CONDITION OF NHS BRIDGES.—Section 119(f)(2)*  
22           *of title 23, United States Code, is amended by striking*  
23           *“structurally deficient” each place it appears and inserting*  
24           *“in poor condition”.*

1       (b) *NATIONAL BRIDGE AND TUNNEL INVENTORIES.*—  
2   Section 144(b)(5) of title 23, United States Code, is amend-  
3   ed by striking “structurally deficient bridge” and inserting  
4   “bridge classified as in poor condition”.

5       (c) *TRIBAL TRANSPORTATION FACILITY BRIDGES.*—  
6   Section 202(d) of title 23, United States Code, is amend-  
7   ed—

8           (1) in paragraph (1), by striking “deficient  
9       bridges eligible for the tribal transportation program”  
10      and inserting “bridges eligible for the tribal transpor-  
11      tation program classified as in poor condition, hav-  
12      ing low load capacity, or needing geometric improve-  
13      ments”; and

14          (2) in paragraph (3)(C), by striking “struc-  
15      turally deficient or functionally obsolete” and insert-  
16      ing “classified as in poor condition, having a low  
17      load capacity, or needing geometric improvements”.

18   **SEC. 1531. TECHNICAL CORRECTIONS.**

19       (a) Section 101(b)(1) of title 23, United States Code,  
20   is amended by inserting “Highways” after “and Defense”.

21       (b) Section 104(f)(3) of title 23, United States Code,  
22   is amended—

23           (1) in the paragraph heading, by striking “FED-  
24      ERAL HIGHWAY ADMINISTRATION” and inserting “AN

1        *OPERATING ADMINISTRATION OF THE DEPARTMENT*  
2        *OF TRANSPORTATION*”; and

3            (2) in subparagraph (A), by striking “the Fed-  
4        *eral Highway Administration*” and inserting “an op-  
5        *erating administration of the Department of Trans-*  
6        *portation*”.

7        (c) Section 108(c)(3)(F) of title 23, United States  
8        Code, is amended—

9            (1) by inserting “of 1969 (42 U.S.C. 4321 et  
10        seq.)” after “Policy Act”; and

11            (2) by striking “this Act” and inserting “this  
12        title”.

13        (d) Section 112(b)(2) of title 23, United States Code,  
14        is amended by striking “(F) (F) Subparagraphs” and in-  
15        serting the following:

16            “(F) EXCLUSION.—Subparagraphs”.

17        (e) Section 115(c) of title 23, United States Code, is  
18        amended by striking “section 135(f)” and inserting “section  
19        135(g)”.

20        (f) Section 130(g) of title 23, United States Code, is  
21        amended—

22            (1) in the third sentence—

23            (A) by striking “and Transportation,” and  
24        inserting “and Transportation”; and

1                   (B) by striking “thereafter,,” and inserting  
2                   “thereafter,;” and

3                   (2) in the fifth sentence, by striking “railroad  
4                   highway” and inserting “railway-highway”.

5                   (g) Section 135(g) of title 23, United States Code, is  
6 amended—

7                   (1) in paragraph (3), by striking “operators),,”  
8                   and inserting “operators),;” and

9                   (2) in paragraph (6)(B), by striking “5310,  
10                   5311, 5316, and 5317” and inserting “5310 and  
11                   5311”.

12                   (h) Section 139 of title 23, United States Code (as  
13 amended by section 1301), is amended—

14                   (1) in subsection (b)(1), by inserting “(42 U.S.C.  
15                   4321 et seq.)” after “of 1969”;

16                   (2) in subsection (c), by inserting “(42 U.S.C.  
17                   4321 et seq.)” after “of 1969” each place it appears;  
18                   and

19                   (3) in subsection (k)(2), by inserting “(42 U.S.C.  
20                   4321 et seq.)” after “of 1969”.

21                   (i) Section 140(a) of title 23, United States Code, is  
22 amended, in the third sentence, by inserting a comma after  
23 “Secretary”.

24                   (j) Section 142 of title 23, United States Code, is  
25 amended by striking subsection (i).

1       (k) Section 148(i)(2)(D) of title 23, United States  
2 Code, is amended by striking “safety safety” and inserting  
3 “safety”.

4       (l) Section 166(a)(1) of title 23, United States Code,  
5 is amended by striking the paragraph designation and  
6 heading and all that follows through “A public authority”  
7 and inserting the following:

8               “(1) AUTHORITY OF PUBLIC AUTHORITIES.—A  
9 public authority”.

10       (m) Section 201(c)(6)(A)(ii) of title 23, United States  
11 Code, is amended by striking “(25 U.S.C. 450 et seq.)” and  
12 inserting “(25 U.S.C. 5301 et seq.)”.

13       (n) Section 202 of title 23, United States Code, is  
14 amended—

15               (1) by striking “(25 U.S.C. 450 et seq.)” each  
16 place it appears and inserting “(25 U.S.C. 5301 et  
17 seq.)”;

18               (2) in subsection (a)(10)(B), by striking “(25  
19 U.S.C. 450e(b))” and inserting “(25 U.S.C.  
20 5307(b))”; and

21               (3) in subsection (b)(5), in the matter preceding  
22 subparagraph (A), by inserting “the” after “agree-  
23 ment under”.

1       (o) Section 206(d)(2)(G) of title 23, United States  
2 Code, is amended by striking “use of recreational trails”  
3 and inserting “uses of recreational trails”.

4       (p) Section 207 of title 23, United States Code, is  
5 amended—

6           (1) in subsection (g)—

7               (A) by striking “(25 U.S.C. 450j-1)” and  
8 inserting “(25 U.S.C. 5325)”; and

9               (B) by striking “(25 U.S.C. 450j-1(f))” and  
10 inserting “(25 U.S.C. 5325(f))”;

11          (2) in subsection (l)—

12               (A) in paragraph (1), by striking “(25  
13 U.S.C. 458aaa-5)” and inserting “(25 U.S.C.  
14 5386)”;

15               (B) in paragraph (2), by striking “(25  
16 U.S.C. 458aaa-6)” and inserting “(25 U.S.C.  
17 5387)”;

18               (C) in paragraph (3), by striking “(25  
19 U.S.C. 458aaa-7)” and inserting “(25 U.S.C.  
20 5388)”;

21               (D) in paragraph (4), by striking “(25  
22 U.S.C. 458aaa-9)” and inserting “(25 U.S.C.  
23 5390)”;

1           (E) in paragraph (5), by striking “(25  
2           U.S.C. 458aaa–10)” and inserting “(25 U.S.C.  
3           5391)”;

4           (F) in paragraph (6), by striking “(25  
5           U.S.C. 458aaa–11)” and inserting “(25 U.S.C.  
6           5392)”;

7           (G) in paragraph (7), by striking “(25  
8           U.S.C. 458aaa–14)” and inserting “(25 U.S.C.  
9           5395)”;

10          (H) in paragraph (8), by striking “(25  
11          U.S.C. 458aaa–15)” and inserting “(25 U.S.C.  
12          5396)”;

13          (I) in paragraph (9), by striking “(25  
14          U.S.C. 458aaa–17)” and inserting “(25 U.S.C.  
15          5398)”;

16          (3) in subsection (m)(2)—

17                 (A) by striking “505” and inserting “501”;  
18                 and

19                 (B) by striking “(25 U.S.C. 450b; 458aaa)”  
20                 and inserting “(25 U.S.C. 5304; 5381)”.

21          (q) Section 217(d) of title 23, United States Code, is  
22          amended by striking “104(b)(3)” and inserting  
23          “104(b)(4)”.

24          (r) Section 323(d) of title 23, United States Code, is  
25          amended in the matter preceding paragraph (1), in the sec-

1 *ond sentence, by inserting “(42 U.S.C. 4321 et seq.)” after*  
 2 *“of 1969”.*

3 *(s) Section 325 of title 23, United States Code, is re-*  
 4 *pealed.*

5 *(t) Section 504(g)(6) of title 23, United States Code,*  
 6 *is amended by striking “make grants or to” and inserting*  
 7 *“make grants to”.*

8 *(u) The analysis for chapter 3 of title 23, United States*  
 9 *Code, is amended by striking the item relating to section*  
 10 *325.*

11 **SEC. 1532. STUDY OF IMPACTS ON ROADS FROM SELF-DRIV-**  
 12 **ING VEHICLES.**

13 *(a) IN GENERAL.—Not later than 60 days after the*  
 14 *date of enactment of this Act, the Administrator of the Fed-*  
 15 *eral Highway Administration (referred to in this section*  
 16 *as the “Administrator”) shall initiate a study on the exist-*  
 17 *ing and future impacts of self-driving vehicles to transpor-*  
 18 *tation infrastructure, mobility, the environment, and safe-*  
 19 *ty, including impacts on—*

20 *(1) the Interstate System (as defined in section*  
 21 *101(a) of title 23, United States Code);*

22 *(2) urban roads;*

23 *(3) rural roads;*

24 *(4) corridors with heavy traffic congestion;*

25 *(5) transportation systems optimization; and*

1           (6) *any other areas or issues relevant to oper-*  
2           *ations of the Federal Highway Administration that*  
3           *the Administrator determines to be appropriate.*

4           (b) *CONTENTS OF STUDY.*—*The study under subsection*  
5           (i) *shall include specific recommendations for both rural*  
6           *and urban communities regarding the impacts of self-driv-*  
7           *ing vehicles on existing transportation system capacity.*

8           (c) *CONSIDERATIONS.*—*In carrying out the study*  
9           *under subsection (a), the Administrator shall—*

10           (1) *consider the need for and recommend any*  
11           *policy changes to be undertaken by the Federal High-*  
12           *way Administration on the impacts of self-driving ve-*  
13           *hicles as identified under paragraph (2); and*

14           (2) *for both rural and urban communities, in-*  
15           *clude a discussion of—*

16           (A) *the impacts that self-driving vehicles*  
17           *will have on existing transportation infrastruc-*  
18           *ture, such as signage and markings, traffic*  
19           *lights, and highway capacity and design;*

20           (B) *the impact on commercial and private*  
21           *traffic flows;*

22           (C) *infrastructure improvement needs that*  
23           *may be necessary for transportation infrastruc-*  
24           *ture to accommodate self-driving vehicles;*

1           (D) *the impact of self-driving vehicles on*  
2           *the environment, congestion, and vehicle miles*  
3           *traveled; and*

4           (E) *the impact of self-driving vehicles on*  
5           *mobility.*

6           (d) *COORDINATION.—In carrying out the study under*  
7           *subsection (a), the Administrator shall consider and incor-*  
8           *porate relevant current and ongoing research of the Depart-*  
9           *ment.*

10          (e) *CONSULTATION.—In carrying out the study under*  
11          *subsection (a), the Administrator shall convene and consult*  
12          *with a panel of national experts in both rural and urban*  
13          *transportation, including—*

14               (1) *operators and users of the Interstate System*  
15               *(as defined in section 101(a) of title 23, United States*  
16               *Code), including private sector stakeholders;*

17               (2) *States and State departments of transpor-*  
18               *tation;*

19               (3) *metropolitan planning organizations;*

20               (4) *the motor carrier industry;*

21               (5) *representatives of public transportation agen-*  
22               *cies or organizations;*

23               (6) *highway safety and academic groups;*

24               (7) *nonprofit entities with experience in trans-*  
25               *portation policy;*

1           (8) *National Laboratories (as defined in section*  
 2           *2 of the Energy Policy Act of 2005 (42 U.S.C.*  
 3           *15801));*

4           (9) *environmental stakeholders; and*

5           (10) *self-driving vehicle producers, manufactur-*  
 6           *ers, and technology developers.*

7           (f) *REPORT.—Not later than 1 year after the date on*  
 8           *which the study under subsection (a) is initiated, the Ad-*  
 9           *ministrator shall submit a report on the results of the study*  
 10          *to—*

11           (1) *the Committee on Environment and Public*  
 12           *Works of the Senate; and*

13           (2) *the Committee on Transportation and Infra-*  
 14           *structure of the House of Representatives.*

15          **TITLE II—TRANSPORTATION IN-**  
 16           **FRASTRUCTURE           FINANCE**  
 17           **AND INNOVATION**

18          **SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE**

19                   **AND INNOVATION ACT OF 1998 AMENDMENTS.**

20           (a) *DEFINITIONS.—Section 601(a) of title 23, United*  
 21           *States Code, is amended—*

22           (1) *by redesignating paragraphs (1) through (22)*  
 23           *as paragraphs (2) through (23), respectively;*

24           (2) *by inserting before paragraph (2) (as so re-*  
 25           *designated) the following:*

1           “(1) *ADMINISTRATIVELY ALLOCATED.*—*The term*  
2           *‘administratively allocated’ means the allocation by*  
3           *the Secretary of budget authority for a project under*  
4           *the TIFIA program that occurs when—*

5                   “(A) *a potential applicant has been invited*  
6                   *into the creditworthiness phase for a project*  
7                   *under the TIFIA program; or*

8                   “(B) *the project is subject to a master credit*  
9                   *agreement, in accordance with section*  
10                   *602(b)(2).’;*

11           (3) *in subparagraph (E) of paragraph (11) (as*  
12           *so redesignated), by striking “3 years” and inserting*  
13           *“5 years”; and*

14           (4) *in paragraph (13) (as so redesignated)—*

15                   (A) *by striking subparagraph (E) and in-*  
16                   *serting the following:*

17                           “(E) *a project to improve or construct pub-*  
18                           *lic infrastructure—*

19                                   “(i) *that—*

20                                           “(I) *is located within walking dis-*  
21                                           *tance of, and accessible to, a fixed*  
22                                           *guideway transit facility, passenger*  
23                                           *rail station, intercity bus station, or*  
24                                           *intermodal facility, including a trans-*  
25                                           *portation, public utility, or capital*

1            *project described in section*  
2            *5302(3)(G)(v) of title 49, and related*  
3            *infrastructure; or*

4            *“(II) is a project for economic de-*  
5            *velopment, including commercial and*  
6            *residential development, and related*  
7            *infrastructure and activities—*

8            *“(aa) that incorporates pri-*  
9            *ivate investment;*

10           *“(bb) that is physically or*  
11           *functionally related to a passenger*  
12           *rail station or multimodal station*  
13           *that includes rail service;*

14           *“(cc) for which the project*  
15           *sponsor has a high probability of*  
16           *commencing the contracting proc-*  
17           *ess for construction by not later*  
18           *than 90 days after the date on*  
19           *which credit assistance under the*  
20           *TIFIA program is provided for*  
21           *the project; and*

22           *“(dd) that has a high prob-*  
23           *ability of reducing the need for fi-*  
24           *nancial assistance under any*  
25           *other Federal program for the rel-*

1            *evant passenger rail station or*  
2            *service by increasing ridership,*  
3            *tenant lease payments, or other*  
4            *activities that generate revenue*  
5            *exceeding costs; and*

6            *“(ii) for which, by not later than Sep-*  
7            *tember 30, 2025, the Secretary has—*

8            *“(I) received a letter of interest;*  
9            *and*

10            *“(II) determined that the project*  
11            *is eligible for assistance;”;*

12            *(B) in subparagraph (F), by striking the*  
13            *period at the end and inserting a semicolon; and*

14            *(C) by adding at the end the following:*

15            *“(G) an eligible airport-related project (as*  
16            *defined in section 40117(a) of title 49) for which,*  
17            *not later than September 30, 2024, the Secretary*  
18            *has—*

19            *“(i) received a letter of interest; and*

20            *“(ii) determined that the project is eli-*  
21            *gible for assistance; and*

22            *“(H) a project for the acquisition of plant*  
23            *and wildlife habitat pursuant to a conservation*  
24            *plan that—*

1           “(i) has been approved by the Sec-  
2           retary of the Interior pursuant to section 10  
3           of the Endangered Species Act of 1973 (16  
4           U.S.C. 1539); and

5           “(ii) in the judgment of the Secretary,  
6           would mitigate the environmental impacts  
7           of transportation infrastructure projects  
8           otherwise eligible for assistance under this  
9           title.”.

10       (b) *ELIGIBILITY*.—Section 602(a) of title 23, United  
11 States Code, is amended—

12           (1) in paragraph (2)—

13           (A) in subparagraph (A)(iv)—

14           (i) by striking “a rating” and insert-  
15           ing “an investment-grade rating”; and

16           (ii) by striking “\$75,000,000” and in-  
17           serting “\$150,000,000”; and

18           (B) in subparagraph (B)—

19           (i) by striking “the senior debt” and  
20           inserting “senior debt”; and

21           (ii) by striking “credit instrument is  
22           for an amount less than \$75,000,000” and  
23           inserting “total amount of other senior debt  
24           and the Federal credit instrument is less  
25           than \$150,000,000”; and

1           (2) in paragraph (5)(B)(ii), by striking “section  
2   601(a)(12)(E)” and inserting “section  
3   601(a)(13)(E)”.

4           (c) *PROCESSING TIMELINES*.—Section 602(d) of title  
5 23, United States Code, is amended—

6           (1) by redesignating paragraphs (1) and (2) as  
7   paragraphs (2) and (3), respectively;

8           (2) in paragraph (3) (as so redesignated), by  
9   striking “paragraph (1)” and inserting “paragraph  
10 (2)”; and

11          (3) by inserting before paragraph (2) (as so re-  
12   designated) the following:

13          “(1) *PROCESSING TIMELINES*.—Except in the  
14   case of an application described in subsection (a)(8)  
15   and to the maximum extent practicable, the Secretary  
16   shall provide an applicant with a specific estimate of  
17   the timeline for the approval or disapproval of the  
18   application of the applicant, which, to the maximum  
19   extent practicable, the Secretary shall endeavor to  
20   complete by not later than 150 days after the date on  
21   which the applicant submits a letter of interest to the  
22   Secretary.”.

23          (d) *SECURED LOANS*.—Section 603(c)(4)(A) of title  
24 23, United States Code, is amended—

1           (1) *by striking “Any excess” and inserting the*  
2 *following:*

3                   “(i) *IN GENERAL.—Except as provided*  
4 *in clause (ii), any excess*”; and

5           (2) *by adding at the end the following:*

6                   “(ii) *CERTAIN APPLICANTS.—In the*  
7 *case of a secured loan or other secured Fed-*  
8 *eral credit instrument provided after the*  
9 *date of enactment of the America’s Trans-*  
10 *portation Infrastructure Act of 2019, if the*  
11 *obligor is a governmental entity, agency, or*  
12 *instrumentality, the obligor shall not be re-*  
13 *quired to prepay the secured loan or other*  
14 *secured Federal credit instrument with any*  
15 *excess revenues described in clause (i) if the*  
16 *obligor enters into an agreement to use those*  
17 *excess revenues only for purposes authorized*  
18 *under this title or title 49.”.*

19           (e) *TECHNICAL AMENDMENT.—Section 602(e) of title*  
20 *23, United States Code, is amended by striking “section*  
21 *601(a)(1)(A)” and inserting “section 601(a)(3)(A)”.*

22           (f) *STREAMLINED APPLICATION PROCESS.—Section*  
23 *603(f) of title 23, United States Code, is amended by adding*  
24 *at the end the following:*

1           “(3) *ADDITIONAL TERMS FOR EXPEDITED DECISIONS.*—  
2

3           “(A) *IN GENERAL.*—*Not later than 120*  
4 *days after the date of enactment of this para-*  
5 *graph, the Secretary shall implement an expe-*  
6 *ditated decision timeline for public agency bor-*  
7 *rowers seeking secured loans that meet—*

8                   “(i) *the terms under paragraph (2);*  
9                   *and*

10                   “(ii) *the additional criteria described*  
11 *in subparagraph (B).*

12           “(B) *ADDITIONAL CRITERIA.*—*The addi-*  
13 *tional criteria referred to in subparagraph*  
14 *(A)(i) are the following:*

15                   “(i) *The secured loan is made on terms*  
16 *and conditions that substantially conform*  
17 *to the conventional terms and conditions es-*  
18 *tablished by the National Surface Transpor-*  
19 *tation Innovative Finance Bureau.*

20                   “(ii) *The secured loan is rated in the*  
21 *A category or higher.*

22                   “(iii) *The TIFIA program share of eli-*  
23 *gible project costs is 33 percent or less.*

24                   “(iv) *The applicant demonstrates a*  
25 *reasonable expectation that the contracting*

1           *process for the project can commence by not*  
2           *later than 90 days after the date on which*  
3           *a Federal credit instrument is obligated for*  
4           *the project under the TIFIA program.*

5           *“(v) The project has received a categor-*  
6           *ical exclusion, a finding of no significant*  
7           *impact, or a record of decision under the*  
8           *National Environmental Policy Act of 1969*  
9           *(42 U.S.C. 4321 et seq.).*

10          “(C) *WRITTEN NOTICE.—The Secretary*  
11          *shall provide to an applicant seeking a secured*  
12          *loan under the expedited decision process under*  
13          *this paragraph a written notice informing the*  
14          *applicant whether the Secretary has approved or*  
15          *disapproved the application by not later than*  
16          *180 days after the date on which the Secretary*  
17          *submits to the applicant a letter indicating that*  
18          *the National Surface Transportation Innovative*  
19          *Finance Bureau has commenced the credit-*  
20          *worthiness review of the project.”.*

21          *(g) FUNDING.—*

22                 *(1) IN GENERAL.—Section 608(a) of title 23,*  
23          *United States Code, is amended—*

24                         *(A) by redesignating paragraphs (4) and*

25                         *(5) as paragraphs (5) and (6), respectively;*

1           (B) by inserting after paragraph (3) the fol-  
2           lowing:

3           “(4) *LIMITATION FOR CERTAIN PROJECTS.*—

4           “(A) *TRANSIT-ORIENTED DEVELOPMENT*  
5           *PROJECTS.*—For each fiscal year, the Secretary  
6           may use to carry out projects described in sec-  
7           tion 601(a)(13)(E) not more than 15 percent of  
8           the amounts made available to carry out the  
9           TIFIA program for that fiscal year.

10           “(B) *AIRPORT-RELATED PROJECTS.*—The  
11           Secretary may use to carry out projects described  
12           in section 601(a)(13)(G)—

13           “(i) for each fiscal year, not more than  
14           15 percent of the amounts made available to  
15           carry out the TIFIA program under the  
16           America’s Transportation Infrastructure  
17           Act of 2019 for that fiscal year; and

18           “(ii) for the period of fiscal years 2021  
19           through 2025, not more than 15 percent of  
20           the unobligated carryover balances (as of  
21           October 1, 2020) made available to carry  
22           out the TIFIA program, less the total  
23           amount administratively allocated by the  
24           Secretary as of that date.”; and

1           (C) by striking paragraph (6) (as so reded-  
2           ignated) and inserting the following:

3           “(6) *ADMINISTRATIVE COSTS.*—Of the amounts  
4           made available to carry out the TIFIA program, the  
5           Secretary may use not more than \$10,000,000 for  
6           each of fiscal years 2021 through 2025 for the admin-  
7           istration of the TIFIA program.”.

8           (2)     *CONFORMING     AMENDMENT.*—Section  
9           605(f)(1) of title 23, United States Code, is amended  
10          by striking “section 608(a)(5)” and inserting “section  
11          608(a)(6)”.

12          (h) *STATUS REPORTS.*—Section 609 of title 23, United  
13          States Code, is amended by adding at the end the following:

14          “(c) *STATUS REPORTS.*—

15                 “(1) *IN GENERAL.*—The Secretary shall publish  
16                 on the website for the TIFIA program—

17                         “(A) on a monthly basis, a current status  
18                         report on all submitted letters of interest and ap-  
19                         plications received for assistance under the  
20                         TIFIA program; and

21                         “(B) on a quarterly basis, a current status  
22                         report on all approved applications for assist-  
23                         ance under the TIFIA program.

24                 “(2) *INCLUSIONS.*—Each monthly and quarterly  
25                 status report under paragraph (1) shall include, at a

1       *minimum, with respect to each project included in the*  
2       *status report—*

3               “(A) *the name of the party submitting the*  
4               *letter of interest or application;*

5               “(B) *the name of the project;*

6               “(C) *the date on which the letter of interest*  
7               *or application was received;*

8               “(D) *the estimated project eligible costs;*

9               “(E) *the type of credit assistance sought;*

10              *and*

11              “(F) *the anticipated fiscal year and quarter*  
12              *for closing of the credit assistance.”.*

13       (i) *STATE INFRASTRUCTURE BANK PROGRAM.—Sec-*  
14       *tion 610 of title 23, United States Code, is amended—*

15              (1) *in subsection (d)—*

16                      (A) *in paragraph (1)(A), by striking “fiscal*  
17                      *years 2016 through 2020” and inserting “fiscal*  
18                      *years 2021 through 2025”;*

19                      (B) *in paragraph (2), by striking “fiscal*  
20                      *years 2016 through 2020” and inserting “fiscal*  
21                      *years 2021 through 2025”; and*

22                      (C) *in paragraph (3), by striking “fiscal*  
23                      *years 2016 through 2020” and inserting “fiscal*  
24                      *years 2021 through 2025”; and*

1           (2) *in subsection (k), by striking “fiscal years*  
 2           *2016 through 2020” and inserting “fiscal years 2021*  
 3           *through 2025”.*

4           (j) *REPORT.—Not later than September 30, 2024, the*  
 5           *Secretary shall submit to the Committee on Environment*  
 6           *and Public Works of the Senate and the Committee on*  
 7           *Transportation and Infrastructure of the House of Rep-*  
 8           *resentatives a report on the impact of the amendment relat-*  
 9           *ing to airport-related projects under subsection (a)(4)(C)*  
 10          *and subsection (g)(1)(B), including—*

11           (1) *information on the use of TIFIA program (as*  
 12           *defined in section 601(a) of title 23, United States*  
 13           *Code) funds for eligible airport-related projects (as de-*  
 14           *fined in section 40117(a) of title 49, United States*  
 15           *Code); and*

16           (2) *recommendations for modifications to the*  
 17           *TIFIA program.*

18                           **TITLE III—RESEARCH,**  
 19           **TECHNOLOGY, AND EDUCATION**

20           **SEC. 3001. SURFACE TRANSPORTATION SYSTEM FUNDING**  
 21                           **ALTERNATIVES.**

22           (a) *IN GENERAL.—The Secretary shall establish a pro-*  
 23           *gram to test the feasibility of a road usage fee and other*  
 24           *user-based alternative revenue mechanisms to maintain the*

1 *long-term solvency of the Highway Trust Fund, through*  
2 *pilot projects at the State, regional, and national level.*

3 (b) *STATE GRANTS.*—

4 (1) *IN GENERAL.*—*The Secretary shall provide*  
5 *grants to States and groups of States to carry out*  
6 *pilot projects under this subsection.*

7 (2) *APPLICATIONS.*—*To be eligible for a grant*  
8 *under this subsection, a State or group of States shall*  
9 *submit to the Secretary an application at such time,*  
10 *in such manner, and containing such information as*  
11 *the Secretary may require.*

12 (3) *OBJECTIVES.*—*The Secretary shall ensure*  
13 *that the activities carried out using funds provided*  
14 *under this subsection meet the following objectives:*

15 (A) *To test the design, acceptance, equity,*  
16 *and implementation of user-based alternative*  
17 *revenue mechanisms, including among—*

18 (i) *differing income groups; and*

19 (ii) *rural and urban drivers.*

20 (B) *To provide recommendations regarding*  
21 *adoption and implementation of user-based al-*  
22 *ternative revenue mechanisms.*

23 (C) *To quantify and minimize the adminis-*  
24 *trative costs of any potential user-based alter-*  
25 *native revenue mechanisms.*

1           (D) *To test a variety of solutions, including*  
2           *the use of third-party vendors, for the collection*  
3           *of data and road usage fees, including the reli-*  
4           *ability and security of those solutions and ven-*  
5           *dors.*

6           (E) *To test solutions to ensure the privacy*  
7           *and security of data collected for the purpose of*  
8           *implementing a user-based alternative revenue*  
9           *mechanism.*

10          (F) *To conduct public education and out-*  
11          *reach to increase public awareness regarding the*  
12          *need for road usage fees or other user-based alter-*  
13          *native revenue mechanisms for surface transpor-*  
14          *tation programs.*

15          (G) *To evaluate the ease of compliance and*  
16          *enforcement of a variety of implementation ap-*  
17          *proaches for different users of the transportation*  
18          *system.*

19          (4) *USE OF FUNDS.—A State or group of States*  
20          *that receives a grant under this subsection shall use*  
21          *the grant to carry out activities to address the objec-*  
22          *tives described in paragraph (3).*

23          (5) *CONSIDERATION.—The Secretary shall con-*  
24          *sider geographic diversity in awarding grants under*  
25          *this subsection.*

1           (6) *FEDERAL SHARE.*—*The Federal share of the*  
2 *cost of an activity carried out under this subsection*  
3 *may not exceed 70 percent of the total cost of the ac-*  
4 *tivity.*

5           (c) *NATIONAL RESEARCH PROGRAM.*—

6           (1) *IN GENERAL.*—*The Secretary shall carry out*  
7 *a research program to develop and test the feasibility*  
8 *of a nationwide alternative roadway funding mecha-*  
9 *nism to expand Federal funding for highway im-*  
10 *provements.*

11           (2) *CONSULTATION.*—*In conducting the research*  
12 *program under this subsection, the Secretary shall co-*  
13 *ordinate with—*

14                   (A) *appropriate State and Federal agencies;*

15                   *and*

16                   (B) *the Federal System Funding Alter-*  
17 *native Advisory Board established under sub-*  
18 *section (d).*

19           (3) *PARTICIPANTS.*—*The research program under*  
20 *this subsection shall include voluntary participation*  
21 *by drivers or owners of commercial vehicles from a di-*  
22 *versity of States and vehicle classes.*

23           (4) *OBJECTIVES.*—*The Secretary shall ensure*  
24 *that the research program under this subsection is de-*  
25 *signed to meet the following objectives:*

1           (A) *To evaluate the cost and feasibility of*  
2 *implementing a nationwide alternative roadway*  
3 *funding mechanism.*

4           (B) *To evaluate options for deployment of a*  
5 *nationwide alternative roadway funding mecha-*  
6 *nism, including options for—*

7                 (i) *collection and enforcement mecha-*  
8 *nisms;*

9                 (ii) *protection of privacy and data se-*  
10 *curity; and*

11                (iii) *the structure for the implementa-*  
12 *tion of a potential future nationwide pro-*  
13 *gram.*

14           (C) *To evaluate the impacts of the imposi-*  
15 *tion of a nationwide alternative roadway fund-*  
16 *ing mechanism on—*

17                 (i) *transportation revenues;*

18                 (ii) *personal mobility, driving pat-*  
19 *terns, and transportation costs; and*

20                 (iii) *freight movement and costs.*

21           (D) *To evaluate options for the integration*  
22 *of a nationwide alternative roadway funding*  
23 *mechanism with—*

24                 (i) *State-based transportation revenue*  
25 *collections and regulations;*

- 1                   (ii) toll revenue collection platforms;  
 2                   (iii) transportation network company  
 3                   fees; and  
 4                   (iv) any other relevant transportation  
 5                   revenue mechanisms.

6                   (5) SAVINGS PROVISION.—

7                   (A) IN GENERAL.—Except as provided in  
 8                   subparagraph (B), nothing in this subsection au-  
 9                   thorizes the Secretary to impose a Federal road  
 10                   usage fee.

11                   (B) EXCLUSION.—As part of the research  
 12                   program under this subsection, the Secretary  
 13                   may test collection mechanisms for a nationwide  
 14                   alternative roadway funding mechanism, which  
 15                   may include the imposition on voluntary par-  
 16                   ticipants of fees that are—

- 17                   (i)(I) for testing purposes only; and  
 18                   (ii) refunded to the pilot participant  
 19                   in a timely manner; or  
 20                   (ii) commensurate, on net, with incen-  
 21                   tives provided for participation in the re-  
 22                   search program.

23                   (d) FEDERAL SYSTEM FUNDING ALTERNATIVE ADVI-  
 24                   SORY BOARD.—

1           (1) *IN GENERAL.*—*The Secretary shall establish*  
2 *an advisory board, to be known as the “Federal Sys-*  
3 *tem Funding Alternative Advisory Board” (referred*  
4 *to in this subsection as the “advisory board”), to as-*  
5 *sist with—*

6                   (A) *advancing and implementing the na-*  
7 *tional research program under subsection (c);*  
8 *and*

9                   (B) *developing the recommendations and re-*  
10 *ports under subsection (f).*

11           (2) *MEMBERS.*—*The advisory board shall, at a*  
12 *minimum, be composed of representatives of the fol-*  
13 *lowing entities, to be appointed by the Secretary:*

14                   (A) *State departments of transportation.*

15                   (B) *Local transportation agencies located*  
16 *within a transportation management area (as*  
17 *identified or designated under section 134(k) of*  
18 *title 23, United States Code).*

19                   (C) *Any public or nonprofit entity that led*  
20 *a surface transportation system funding alter-*  
21 *natives pilot project under section 6020 of the*  
22 *FAST Act (23 U.S.C. 503 note; Public Law 114–*  
23 *94) (as in effect on the day before the date of en-*  
24 *actment of this Act).*

25                   (D) *Owners and operators of toll facilities.*

1                   (E) *Fleet operators of light-duty and heavy-*  
2                   *duty vehicles.*

3           (e) *LIMITATION ON REVENUE COLLECTED.—Any rev-*  
4 *enue collected through a user-based alternative revenue*  
5 *mechanism established using funds provided under this sec-*  
6 *tion shall not be considered a toll under section 301 of title*  
7 *23, United States Code.*

8           (f) *RECOMMENDATIONS AND REPORT.—Not later than*  
9 *3 years after the date of enactment of this Act, the Sec-*  
10 *retary, in coordination with the Secretary of the Treasury*  
11 *and the Federal System Funding Alternative Advisory*  
12 *Board established under subsection (d) shall submit to Con-*  
13 *gress a report that—*

14                   (1) *summarizes the results of the State pilot*  
15 *projects under subsection (b) and the national re-*  
16 *search program under subsection (c); and*

17                   (2) *provides recommendations, if applicable, to*  
18 *enable potential implementation of a nationwide al-*  
19 *ternative roadway funding mechanism.*

20           (g) *FUNDING.—*

21                   (1) *IN GENERAL.—Of the funds made available*  
22 *to carry out section 503(b) of title 23, United States*  
23 *Code, for each of fiscal years 2021 through 2025—*

24                           (A) *\$15,000,000 shall be used for State pilot*  
25 *projects under subsection (b); and*

1           (B) \$10,000,000 shall be used for the na-  
2           tional research program under subsection (c).

3           (2) *EXCESS FUNDS.*—

4           (A) *EXCESS STATE PILOT PROJECT*  
5           *FUNDS.*—Any excess funds remaining after mak-  
6           ing grants for State pilot projects under sub-  
7           section (b) shall be available for the national re-  
8           search program under subsection (c).

9           (B) *EXCESS NATIONAL RESEARCH PROGRAM*  
10           *FUNDS.*—Any excess funds remaining after car-  
11           rying out the national research program under  
12           subsection (c) shall be available to make grants  
13           for State pilot projects under subsection (b).

14          (h) *REPEAL.*—

15           (1) *IN GENERAL.*—Section 6020 of the FAST Act  
16           (23 U.S.C. 503 note; Public Law 114–94) is repealed.

17           (2) *CLERICAL AMENDMENT.*—The table of con-  
18           tents in section 1(b) of the FAST Act (Public Law  
19           114–94; 129 Stat. 1312) is amended by striking the  
20           item relating to section 6020.

21 **SEC. 3002. PERFORMANCE MANAGEMENT DATA SUPPORT**  
22 **PROGRAM.**

23           Section 6028(c) of the FAST Act (23 U.S.C. 150 note;  
24           Public Law 114–94) is amended by striking “fiscal years

1 2016 through 2020” and inserting “fiscal years 2021  
2 through 2025”.

3 **SEC. 3003. DATA INTEGRATION PILOT PROGRAM.**

4 (a) *ESTABLISHMENT.*—The Secretary shall establish a  
5 pilot program—

6 (1) to provide research and develop models that  
7 integrate, in near-real-time, data from multiple  
8 sources, including geolocated—

9 (A) weather conditions;

10 (B) roadway conditions;

11 (C) incidents, work zones, and other non-  
12 recurring events related to emergency planning;  
13 and

14 (D) information from emergency responders;

15 and

16 (2) to facilitate data integration between the De-  
17 partment, the National Weather Service, and other  
18 sources of data that provide real-time data with re-  
19 spect to roadway conditions during or as a result of  
20 severe weather events, including, at a minimum—

21 (A) winter weather;

22 (B) heavy rainfall; and

23 (C) tropical weather events.

24 (b) *REQUIREMENTS.*—In carrying out subsection

25 (a)(1), the Secretary shall—

1           (1) *address the safety, resiliency, and vulner-*  
2           *ability of the transportation system to disasters; and*

3           (2) *develop tools for decisionmakers and other*  
4           *end-users who could use or benefit from the integrated*  
5           *data described in that subsection to improve public*  
6           *safety and mobility.*

7           (c) *TREATMENT.—Except as otherwise provided in this*  
8           *section, the Secretary shall carry out activities under the*  
9           *pilot program under this section as if—*

10           (1) *those activities were authorized under chap-*  
11           *ter 5 of title 23, United States Code; and*

12           (2) *the funds made available to carry out the*  
13           *pilot program were made available under that chap-*  
14           *ter.*

15           (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
16           *authorized to be appropriated to carry out this section*  
17           *\$2,500,000 for each of fiscal years 2021 through 2025, to*  
18           *remain available until expended.*

19           **SEC. 3004. EMERGING TECHNOLOGY RESEARCH PILOT PRO-**  
20           **GRAM.**

21           (a) *ESTABLISHMENT.—The Secretary shall establish a*  
22           *pilot program to conduct emerging technology research in*  
23           *accordance with this section.*

24           (b) *ACTIVITIES.—The pilot program under this section*  
25           *shall include—*

1           (1) *research and development activities relating*  
2           *to leveraging advanced and additive manufacturing*  
3           *technologies to increase the structural integrity and*  
4           *cost-effectiveness of surface transportation infrastruc-*  
5           *ture; and*

6           (2) *research and development activities (includ-*  
7           *ing laboratory and test track supported accelerated*  
8           *pavement testing research regarding the impacts of*  
9           *connected, autonomous, and platooned vehicles on*  
10          *pavement and infrastructure performance)—*

11           (A) *to reduce the impact of automated and*  
12           *connected driving systems and advanced driver-*  
13           *assistance systems on pavement and infrastruc-*  
14           *ture performance; and*

15           (B) *to improve transportation infrastruc-*  
16           *ture design in anticipation of increased usage of*  
17           *automated driving systems and advanced driver-*  
18           *assistance systems.*

19          (c) *TREATMENT.—Except as otherwise provided in this*  
20          *section, the Secretary shall carry out activities under the*  
21          *pilot program under this section as if—*

22           (1) *those activities were authorized under chap-*  
23           *ter 5 of title 23, United States Code; and*

1           (2) *the funds made available to carry out the*  
2           *pilot program were made available under that chap-*  
3           *ter.*

4           (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
5           *authorized to be appropriated to carry out this section*  
6           *\$5,000,000 for each of fiscal years 2021 through 2025, to*  
7           *remain available until expended.*

8           **SEC. 3005. RESEARCH AND TECHNOLOGY DEVELOPMENT**  
9                                   **AND DEPLOYMENT.**

10          (a) *IN GENERAL.—Section 503 of title 23, United*  
11          *States Code, is amended—*

12                 (1) *in subsection (a)(2), by striking “section*  
13                 *508” and inserting “section 6503 of title 49”;*

14                 (2) *in subsection (b)—*

15                         (A) *in paragraph (1)—*

16                                 (i) *in subparagraph (C), by striking*  
17                                 *“and” at the end;*

18                                 (ii) *in subparagraph (D), by striking*  
19                                 *the period at the end and inserting a semi-*  
20                                 *colon; and*

21                                 (iii) *by adding at the end the fol-*  
22                                 *lowing:*

23                                 *“(E) engage with public and private enti-*  
24                                 *ties to spur advancement of emerging trans-*

1 *formative innovations through accelerated mar-*  
2 *ket readiness; and*

3 *“(F) consult frequently with public and pri-*  
4 *vate entities on new transportation tech-*  
5 *nologies.”;*

6 *(B) in paragraph (2)(C)—*

7 *(i) by redesignating clauses (x) through*  
8 *(xv) as clauses (xi) through (xvi), respec-*  
9 *tively; and*

10 *(ii) by inserting after clause (ix) the*  
11 *following:*

12 *“(x) safety measures to reduce the*  
13 *number of wildlife-vehicle collisions;”;*

14 *(C) in paragraph (3)—*

15 *(i) in subparagraph (B)(viii), by in-*  
16 *serting “weather” after “extreme”; and*

17 *(ii) in subparagraph (C)—*

18 *(I) in clause (xv), by inserting*  
19 *“extreme weather events and” after*  
20 *“withstand”;*

21 *(II) in clause (xviii), by striking*  
22 *“and” at the end;*

23 *(III) in clause (xix), by striking*  
24 *the period at the end and inserting “;*  
25 *and”;* and

1                   (IV) by adding at the end the fol-  
2                   lowing:

3                   “(xx) studies on the deployment and  
4                   revenue potential of the deployment of en-  
5                   ergy and broadband infrastructure in high-  
6                   way rights-of-way, including potential ad-  
7                   verse impacts of the use or nonuse of those  
8                   rights-of-way.”;

9                   (D) in paragraph (6)—

10                   (i) in subparagraph (A), by striking  
11                   “and” at the end;

12                   (ii) in subparagraph (B), by striking  
13                   the period at the end and inserting “; and”;  
14                   and

15                   (iii) by adding at the end the fol-  
16                   lowing:

17                   “(C) to support research on non-market-  
18                   ready technologies in consultation with public  
19                   and private entities.”;

20                   (E) in paragraph (7)(B)—

21                   (i) in the matter preceding clause (i),  
22                   by inserting “innovations by leading” after  
23                   “support”;

24                   (ii) in clause (iii), by striking “and”  
25                   at the end;

1           (iii) in clause (iv), by striking the pe-  
2           riod at the end and inserting “; and”; and

3           (iv) by adding at the end the following:

4           “(v) the evaluation of information  
5           from accelerated market readiness efforts,  
6           including non-market-ready technologies, in  
7           consultation with other offices of the Federal  
8           Highway Administration and key part-  
9           ners.”;

10          (F) in paragraph (8)(A), by striking “fu-  
11          ture highway” and all that follows through  
12          “needs.” and inserting the following: “current  
13          conditions and future needs of highways, bridges,  
14          and tunnels of the United States, including—

15                 “(i) the conditions and performance of  
16                 the highway network for freight movement;

17                 “(ii) intelligent transportation systems;

18                 “(iii) resilience needs; and

19                 “(iv) the backlog of current highway,  
20                 bridge, and tunnel needs.”; and

21          (G) by adding at the end the following:

22                 “(9) ANALYSIS TOOLS.—The Secretary may de-  
23          velop interactive modeling tools and databases that—

1           “(A) track the full condition of highway as-  
2           sets, including interchanges, and the reconstruc-  
3           tion history of those assets;

4           “(B) can be used to assess transportation  
5           options;

6           “(C) allow for the monitoring and modeling  
7           of network-level traffic flows on highways; and

8           “(D) further Federal and State under-  
9           standing of the importance of national and re-  
10          gional connectivity and the need for long-dis-  
11          tance and interregional passenger and freight  
12          travel by highway and other surface transpor-  
13          tation modes.”; and

14         (3) in subsection (c)—

15           (A) in paragraph (1)—

16           (i) in the matter preceding subpara-  
17           graph (A), by inserting “use of rights-of-  
18           way permissible under applicable law,”  
19           after “structures,”;

20           (ii) in subparagraph (D), by striking  
21           “and” at the end;

22           (iii) in subparagraph (E), by striking  
23           the period at the end and inserting “; and”;  
24           and

25           (iv) by adding at the end the following:

1           “(F) disseminating and evaluating infor-  
2 mation from accelerated market readiness efforts,  
3 including non-market-ready technologies, to pub-  
4 lic and private entities.”;

5           (B) in paragraph (2)—

6           (i) in subparagraph (B)(iii), by strik-  
7 ing “improved tools and methods to accel-  
8 erate the adoption” and inserting “and de-  
9 ploy improved tools and methods to accel-  
10 erate the adoption of early-stage and proven  
11 innovative practices and technologies and,  
12 as the Secretary determines to be appro-  
13 priate, support continued implementation”;  
14 and

15           (ii) by adding at the end the following:

16           “(D) REPORT.—Not later than 2 years after  
17 the date of enactment of this subparagraph and  
18 every 2 years thereafter, the Secretary shall sub-  
19 mit to the Committee on Environment and Pub-  
20 lic Works of the Senate and the Committee on  
21 Transportation and Infrastructure of the House  
22 of Representatives and make publicly available  
23 on an internet website a report that describes—

1           “(i) the activities the Secretary has un-  
2           dertaken to carry out the program estab-  
3           lished under paragraph (1); and

4           “(ii) how and to what extent the Sec-  
5           retary has worked to disseminate non-mar-  
6           ket-ready technologies to public and private  
7           entities.”;

8           (C) in paragraph (3)—

9           (i) by redesignating subparagraphs (C)  
10          and (D) as subparagraphs (D) and (E), re-  
11          spectively;

12          (ii) by inserting after subparagraph  
13          (B) the following:

14          “(C) *HIGH-FRICTION SURFACE TREATMENT*  
15          *APPLICATION STUDY.*—

16          “(i) *DEFINITION OF INSTITUTION.*—*In*  
17          *this subparagraph, the term ‘institution’*  
18          *means a private sector entity, public agen-*  
19          *cy, research university or other research in-*  
20          *stitution, or organization representing*  
21          *transportation and technology leaders or*  
22          *other transportation stakeholders that, as*  
23          *determined by the Secretary, is capable of*  
24          *working with State highway agencies, the*  
25          *Federal Highway Administration, and the*

1 *highway construction industry to develop*  
2 *and evaluate new products, design tech-*  
3 *nologies, and construction methods that*  
4 *quickly lead to pavement improvements.*

5 “(ii) *STUDY.*—*The Secretary shall seek*  
6 *to enter into an agreement with an institu-*  
7 *tion to carry out a study on the use of nat-*  
8 *ural and synthetic calcined bauxite as a*  
9 *high-friction surface treatment application*  
10 *on pavement.*

11 “(iii) *REPORT.*—*Not later than 18*  
12 *months after the date of enactment of the*  
13 *America’s Transportation Infrastructure*  
14 *Act of 2019, the Secretary shall submit a re-*  
15 *port on the results of the study under clause*  
16 *(ii) to—*

17 “(I) *the Committee on Environ-*  
18 *ment and Public Works of the Senate;*

19 “(II) *the Committee on Transpor-*  
20 *tation and Infrastructure of the House*  
21 *of Representatives;*

22 “(III) *the Federal Highway Ad-*  
23 *ministration; and*

1                   “(IV) *the American Association of*  
2                   *State Highway and Transportation*  
3                   *Officials.*”;

4                   (iii) *in subparagraph (D) (as so redes-*  
5                   *ignated), by striking “fiscal years 2016*  
6                   *through 2020” and inserting “fiscal years*  
7                   *2021 through 2025”; and*

8                   (iv) *in subparagraph (E) (as so redes-*  
9                   *ignated)—*

10                   (I) *in clause (i), by striking “an-*  
11                   *nually” and inserting “once every 3*  
12                   *years”; and*

13                   (II) *in clause (ii)—*

14                   (aa) *in subclause (III), by*  
15                   *striking “and” at the end;*

16                   (bb) *in subclause (IV), by*  
17                   *striking the period at the end and*  
18                   *inserting a semicolon; and*

19                   (cc) *by adding at the end the*  
20                   *following:*

21                   “(V) *pavement monitoring and*  
22                   *data collection practices;*

23                   “(VI) *pavement durability and re-*  
24                   *silience;*

25                   “(VII) *stormwater management;*

1                   “(VIII) impacts on vehicle effi-  
2                   ciency;

3                   “(IX) the energy efficiency of the  
4                   production of paving materials and the  
5                   ability of paving materials to enhance  
6                   the environment and promote sustain-  
7                   ability; and

8                   “(X) integration of renewable en-  
9                   ergy in pavement designs.”; and

10                   (D) by adding at the end the following:

11                   “(5) ACCELERATED IMPLEMENTATION AND DE-  
12                   PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION  
13                   MANAGEMENT SYSTEMS.—

14                   “(A) IN GENERAL.—The Secretary shall es-  
15                   tablish and implement a program under the  
16                   technology and innovation deployment program  
17                   established under paragraph (1) to promote, im-  
18                   plement, deploy, demonstrate, showcase, support,  
19                   and document the application of advanced dig-  
20                   ital construction management systems, practices,  
21                   performance, and benefits.

22                   “(B) GOALS.—The goals of the accelerated  
23                   implementation and deployment of advanced  
24                   digital construction management systems pro-

1           *gram established under subparagraph (A) shall*  
2           *include—*

3                   “(i) *accelerated State adoption of ad-*  
4                   *vanced digital construction management*  
5                   *systems applied throughout the construction*  
6                   *lifecycle (including through the design and*  
7                   *engineering, construction, and operations*  
8                   *phases) that—*

9                           “(I) *maximize interoperability*  
10                           *with other systems, products, tools, or*  
11                           *applications;*

12                           “(II) *boost productivity;*

13                           “(III) *manage complexity;*

14                           “(IV) *reduce project delays and*  
15                           *cost overruns; and*

16                           “(V) *enhance safety and quality;*

17                   “(ii) *more timely and productive infor-*  
18                   *mation-sharing among stakeholders through*  
19                   *reduced reliance on paper to manage con-*  
20                   *struction processes and deliverables such as*  
21                   *blueprints, design drawings, procurement*  
22                   *and supply-chain orders, equipment logs,*  
23                   *daily progress reports, and punch lists;*

24                   “(iii) *deployment of digital manage-*  
25                   *ment systems that enable and leverage the*

1           *use of digital technologies on construction*  
2           *sites by contractors, such as state-of-the-art*  
3           *automated and connected machinery and*  
4           *optimized routing software that allows con-*  
5           *struction workers to perform tasks faster,*  
6           *safer, more accurately, and with minimal*  
7           *supervision;*

8           “(iv) *the development and deployment*  
9           *of best practices for use in digital construc-*  
10           *tion management;*

11           “(v) *increased technology adoption and*  
12           *deployment by States and units of local*  
13           *government that enables project sponsors—*

14                   “(I) *to integrate the adoption of*  
15                   *digital management systems and tech-*  
16                   *nologies in contracts; and*

17                   “(II) *to weigh the cost of*  
18                   *digitization and technology in setting*  
19                   *project budgets;*

20           “(vi) *technology training and work-*  
21           *force development to build the capabilities of*  
22           *project managers and sponsors that enables*  
23           *States and units of local government—*

1                   “(I) to better manage projects  
2                   using advanced construction manage-  
3                   ment technologies; and

4                   “(II) to properly measure and re-  
5                   ward technology adoption across  
6                   projects of the State or unit of local  
7                   government;

8                   “(vii) development of guidance to assist  
9                   States in updating regulations of the State  
10                  to allow project sponsors and contractors—

11                  “(I) to report data relating to the  
12                  project in digital formats; and

13                  “(II) to fully capture the effi-  
14                  ciencies and benefits of advanced dig-  
15                  ital construction management systems  
16                  and related technologies;

17                  “(viii) reduction in the environmental  
18                  footprint of construction projects using ad-  
19                  vanced digital construction management  
20                  systems resulting from elimination of con-  
21                  gestion through more efficient projects; and

22                  “(ix) enhanced worker and pedestrian  
23                  safety resulting from increased trans-  
24                  parency.

1           “(C) *FUNDING.*—*For each of fiscal years*  
2           *2021 through 2025, the Secretary shall obligate*  
3           *from funds made available to carry out this sub-*  
4           *section \$20,000,000 to accelerate the deployment*  
5           *and implementation of advanced digital con-*  
6           *struction management systems.*

7           “(D) *PUBLICATION.*—

8           “(i) *IN GENERAL.*—*Not less frequently*  
9           *than annually, the Secretary shall issue and*  
10           *make available to the public on a website a*  
11           *report on—*

12                   “(I) *progress made in the imple-*  
13                   *mentation of advanced digital manage-*  
14                   *ment systems by States; and*

15                   “(II) *the costs and benefits of the*  
16                   *deployment of new technology and in-*  
17                   *novations that substantially and di-*  
18                   *rectly resulted from the program estab-*  
19                   *lished under this paragraph.*

20           “(ii) *INCLUSIONS.*—*The report under*  
21           *clause (i) may include an analysis of—*

22                   “(I) *Federal, State, and local cost*  
23                   *savings;*

24                   “(II) *project delivery time im-*  
25                   *provements;*

1                   “(III) congestion impacts; and  
 2                   “(IV) safety improvements for  
 3                   roadway users and construction work-  
 4                   ers.”.

5           (b) *ADVANCED TRANSPORTATION TECHNOLOGIES AND*  
 6 *INNOVATIVE MOBILITY DEPLOYMENT.*—Section 503(c)(4) of  
 7 title 23, United States Code, is amended—

8           (1) in the heading, by inserting “AND INNOVA-  
 9           TIVE MOBILITY” before “DEPLOYMENT”;

10           (2) by striking subparagraph (A) and inserting  
 11           the following:

12                   “(A) *IN GENERAL.*—The Secretary shall  
 13                   provide grants to eligible entities to deploy, in-  
 14                   stall, and operate advanced transportation tech-  
 15                   nologies to improve safety, mobility, efficiency,  
 16                   system performance, intermodal connectivity,  
 17                   and infrastructure return on investment.”;

18           (3) in subparagraph (B)—

19                   (A) in clause (i), by striking “the enhanced  
 20                   use” and inserting “optimization”;

21                   (B) in clause (v)—

22                           (i) by striking “transit,” and inserting  
 23                           “work zone, weather, transit, paratransit,”;  
 24                           and

1                   (ii) by striking “and accessible trans-  
2                   portation” and inserting “, accessible, and  
3                   integrated transportation and transpor-  
4                   tation services”;

5                   (C) by redesignating clauses (vi) through  
6                   (viii) as clauses (vii), (viii), and (x), respec-  
7                   tively;

8                   (D) by inserting after clause (v) the fol-  
9                   lowing:

10                   “(vi) facilitate account-based payments  
11                   for transportation access and services and  
12                   integrate payment systems across modes;”;

13                   (E) in clause (viii) (as so redesignated), by  
14                   striking “or” at the end; and

15                   (F) by inserting after clause (viii) (as so re-  
16                   designated) the following:

17                   “(ix) incentivize travelers—

18                   “(I) to share trips during periods  
19                   in which travel demand exceeds system  
20                   capacity; or

21                   “(II) to shift trips to periods in  
22                   which travel demand does not exceed  
23                   system capacity; or”;

24                   (4) in subparagraph (C)—

1           (A) in clause (i), by striking “Not later”  
2           and all that follows through “thereafter” and in-  
3           serting “Each fiscal year for which funding is  
4           made available for activities under this para-  
5           graph”; and

6           (B) in clause (ii)—

7                 (i) in subclause (I), by inserting “mo-  
8                 bility,” after “safety,”; and

9                 (ii) in subclause (II)—

10                     (I) in item (bb), by striking  
11                     “and” at the end;

12                     (II) in item (cc), by striking the  
13                     period at the end and inserting “;  
14                     and”; and

15                     (III) by adding at the end the fol-  
16                     lowing:

17                             “(dd) facilitating payment  
18                             for transportation services.”;

19           (5) in subparagraph (D)—

20                 (A) in clause (i), by striking “Not later”  
21                 and all that follows through “thereafter” and in-  
22                 serting “Each fiscal year for which funding is  
23                 made available for activities under this para-  
24                 graph”; and

25                 (B) in clause (ii)—

1                   (i) by striking “In awarding” and in-  
2                   serting the following:

3                               “(I) IN GENERAL.—Subject to  
4                               subclause (II), in awarding”;

5                   (ii) by adding at the end the following:

6                               “(II) RURAL SET-ASIDE.—Not less  
7                               than 20 percent of the amounts made  
8                               available to carry out this paragraph  
9                               shall be reserved for projects serving  
10                              rural areas.”;

11           (6) in subparagraph (E)—

12                           (A) by redesignating clauses (iii) through  
13                           (ix) as clauses (iv), (v), (vi), (vii), (viii), (xi),  
14                           and (xiv), respectively;

15                           (B) by inserting after clause (ii) the fol-  
16                           lowing:

17                                       “(iii) advanced transportation tech-  
18                                       nologies to improve emergency evacuation  
19                                       and response by Federal, State, and local  
20                                       authorities;”;

21                           (C) by inserting after clause (viii) (as so re-  
22                           designated) the following:

23                                       “(ix) integrated corridor management  
24                                       systems;

1           “(x) advanced parking reservation or  
2           variable pricing systems;”;

3           (D) in clause (xi) (as so redesignated)—

4                 (i) by inserting “, toll collection,” after  
5                 “pricing”; and

6                 (ii) by striking “or” at the end;

7           (E) by inserting after clause (xi) (as so re-  
8           designated) the following:

9                 “(xii) technology that enhances high  
10                 occupancy vehicle toll lanes, cordon pricing,  
11                 or congestion pricing;

12                 “(xiii) integration of transportation  
13                 service payment systems; or”; and

14           (F) in clause (xiv) (as so redesignated)—

15                 (i) by striking “and access” and in-  
16                 serting “, access, and on-demand transpor-  
17                 tation service”; and

18                 (ii) by inserting “and other shared-use  
19                 mobility applications” after “ridesharing”;

20           (7) in subparagraph (F)(ii)(IV), by striking “ef-  
21           ficiency and multimodal system performance” and  
22           inserting “mobility, efficiency, multimodal system  
23           performance, and payment system performance”;

24           (8) in subparagraph (G)—

1           (A) by redesignating clauses (vi) through  
2           (viii) as clauses (vii) through (ix), respectively;  
3           and

4           (B) by inserting after clause (v) the fol-  
5           lowing:

6                   “(vi) improved integration of payment  
7                   systems;”;

8           (9) in subparagraph (I)(i), by striking “fiscal  
9           years 2016 through 2020” and inserting “fiscal years  
10           2021 through 2025”; and

11           (10) in subparagraph (N)—

12                   (A) in clause (i), by striking “representing  
13                   a population of over 200,000”; and

14                   (B) in clause (iii), in the matter preceding  
15                   subclause (I), by striking “a any” and inserting  
16                   “any”.

17           (c) *CENTER OF EXCELLENCE ON NEW MOBILITY AND*  
18           *AUTOMATED VEHICLES.*—Section 503(c) of title 23, United  
19           States Code (as amended by subsection (a)(3)(D)), is  
20           amended by adding at the end the following:

21                   “(6) *CENTER OF EXCELLENCE.*—

22                           “(A) *DEFINITIONS.*—In this paragraph:

23                                   “(i) *AUTOMATED VEHICLE.*—The term  
24                                   ‘automated vehicle’ means a motor vehicle  
25                                   that—

1                   “(I) has a taxable gross weight (as  
2                   defined in section 41.4482(b)–1 of title  
3                   26, Code of Federal Regulations (or  
4                   successor regulations)) of 10,000  
5                   pounds or less; and

6                   “(II) is capable of performing the  
7                   entire task of driving (including steer-  
8                   ing, accelerating and decelerating, and  
9                   reacting to external stimulus) without  
10                  human intervention.

11                  “(ii) NEW MOBILITY.—The term ‘new  
12                  mobility’ includes shared services such as—

13                         “(I) docked and dockless bicycles;

14                         “(II) docked and dockless electric  
15                         scooters; and

16                         “(III) transportation network  
17                         companies.

18                  “(B) ESTABLISHMENT.—Not later than 1  
19                  year after the date of enactment of the America’s  
20                  Transportation Infrastructure Act of 2019, the  
21                  Secretary shall establish a Center of Excellence  
22                  to collect, conduct, and fund research on the im-  
23                  pacts of new mobility and automated vehicles on  
24                  land use, urban design, transportation, real es-  
25                  tate, equity, and municipal budgets.

1           “(C) *PARTNERSHIPS.*—*In establishing the*  
2           *Center of Excellence under subparagraph (B),*  
3           *the Secretary shall enter into appropriate part-*  
4           *nerships with any institution of higher education*  
5           *(as defined in section 101 of the Higher Edu-*  
6           *cation Act of 1965 (20 U.S.C. 1001)) or public*  
7           *or private research entity.”.*

8           (d) *ACCELERATED IMPLEMENTATION AND DEPLOY-*  
9           *MENT OF ADVANCED DIGITAL CONSTRUCTION MANAGE-*  
10          *MENT SYSTEMS.*—*Not later than 1 year after the date of*  
11          *enactment of this Act, the Secretary shall submit to the*  
12          *Committee on Environment and Public Works of the Senate*  
13          *and the Committee on Transportation and Infrastructure*  
14          *of the House of Representatives a report that includes—*

15               (1) *a description of—*

16                       (A) *the current status of the use of advanced*  
17                       *digital construction management systems in each*  
18                       *State; and*

19                       (B) *the progress of each State toward accel-*  
20                       *erating the adoption of advanced digital con-*  
21                       *struction management systems; and*

22               (2) *an analysis of the savings in project delivery*  
23               *time and project costs that can be achieved through*  
24               *the use of advanced digital construction management*  
25               *systems.*

1       (e) *OPEN CHALLENGE AND RESEARCH INITIATIVE*  
2 *PILOT PROGRAM.*—

3           (1) *IN GENERAL.*—*The Secretary shall establish*  
4 *an open challenge and research proposal pilot pro-*  
5 *gram under which eligible entities may propose open*  
6 *highway challenges and research proposals that are*  
7 *linked to identified or potential research needs.*

8           (2) *REQUIREMENTS.*—*A research proposal sub-*  
9 *mitted to the Secretary by an eligible entity shall ad-*  
10 *dress—*

11           (A) *a research need identified by the Sec-*  
12 *retary or the Administrator of the Federal High-*  
13 *way Administration; or*

14           (B) *an issue or challenge that the Secretary*  
15 *determines to be important.*

16           (3) *ELIGIBLE ENTITIES.*—*An entity eligible to*  
17 *submit a research proposal under the pilot program*  
18 *under paragraph (1) is—*

19           (A) *a State;*

20           (B) *a unit of local government;*

21           (C) *a university transportation center*  
22 *under section 5505 of title 49, United States*  
23 *Code;*

24           (D) *a private nonprofit organization;*

1           (E) a private sector organization working  
2           in collaboration with an entity described in sub-  
3           paragraphs (A) through (D); and

4           (F) any other individual or entity that the  
5           Secretary determines to be appropriate.

6           (4) *PROJECT REVIEW.*—The Secretary shall—

7           (A) review each research proposal submitted  
8           under the pilot program under paragraph (1);  
9           and

10          (B) provide to the eligible entity a written  
11          notice that—

12           (i) if the research proposal is not se-  
13          lected—

14           (I) notifies the eligible entity that  
15           the research proposal has not been se-  
16          lected for funding;

17           (II) provides an explanation as to  
18           why the research proposal was not se-  
19          lected, including if the research pro-  
20          posal does not cover an area of need;  
21          and

22           (III) if applicable, recommend  
23           that the research proposal be submitted  
24           to another research program and pro-  
25          vide guidance and direction to the eli-

1                    *gible entity and the proposed research*  
 2                    *program office; and*

3                    *(ii) if the research proposal is selected,*  
 4                    *notifies the eligible entity that the research*  
 5                    *proposal has been selected for funding.*

6                    (5) *FEDERAL SHARE.*—

7                    (A) *IN GENERAL.*—*The Federal share of the*  
 8                    *cost of an activity carried out under this sub-*  
 9                    *section shall not exceed 80 percent.*

10                    (B) *NON-FEDERAL SHARE.*—*All costs di-*  
 11                    *rectly incurred by the non-Federal partners, in-*  
 12                    *cluding personnel, travel, facility, and hardware*  
 13                    *development costs, shall be credited toward the*  
 14                    *non-Federal share of the cost of an activity car-*  
 15                    *ried out under this subsection.*

16                    (f) *CONFORMING AMENDMENT.*—*Section 167 of title*  
 17                    *23, United States Code, is amended—*

18                    (1) *by striking subsection (h); and*

19                    (2) *by redesignating subsections (i) through (l)*  
 20                    *as subsections (h) through (k), respectively.*

21                    **SEC. 3006. WORKFORCE DEVELOPMENT, TRAINING, AND**  
 22                    **EDUCATION.**

23                    (a) *SURFACE TRANSPORTATION WORKFORCE DEVEL-*  
 24                    *OPMENT, TRAINING, AND EDUCATION.*—*Section 504(e) of*  
 25                    *title 23, United States Code, is amended—*

1           (1) in paragraph (1)—

2                   (A) by redesignating subparagraphs (D)  
3 through (G) as subparagraphs (E), (F), (H), and  
4 (I), respectively;

5                   (B) by inserting after subparagraph (C) the  
6 following:

7                   “(D) pre-apprenticeships, apprenticeships,  
8 and career opportunities for on-the-job train-  
9 ing;”;

10                  (C) in subparagraph (E) (as so redesign-  
11 ated), by striking “or community college” and  
12 inserting “; college, community college, or voca-  
13 tional school”; and

14                  (D) by inserting after subparagraph (F) (as  
15 so redesignated) the following:

16                  “(G) activities associated with workforce  
17 training and employment services, such as tar-  
18 geted outreach and partnerships with industry,  
19 economic development organizations, workforce  
20 development boards, and labor organizations;”;

21           (2) in paragraph (2), by striking “paragraph  
22 (1)(G)” and inserting “paragraph (1)(I)”; and

23           (3) in paragraph (3)—

24                   (A) by striking the period at the end and  
25 inserting a semicolon;

1           (B) by striking “including activities” and  
 2           inserting the following: “including—  
 3           “(A) activities”; and  
 4           (C) by adding at the end the following:  
 5           “(B) activities that address current work-  
 6           force gaps, such as work on construction projects,  
 7           of State and local transportation agencies;  
 8           “(C) activities to develop a robust surface  
 9           transportation workforce with new skills result-  
 10          ing from emerging transportation technologies;  
 11          and  
 12          “(D) activities to attract new sources of job-  
 13          creating investment.”.

14          (b) *TRANSPORTATION EDUCATION AND TRAINING DE-*  
 15 *VELOPMENT AND DEPLOYMENT PROGRAM.*—Section 504(f)  
 16 *of title 23, United States Code, is amended—*

17           (1) *in the subsection heading, by striking “DE-*  
 18 *VELOPMENT” and inserting “AND TRAINING DEVEL-*  
 19 *OPMENT AND DEPLOYMENT”;*

20           (2) *by striking paragraph (1) and inserting the*  
 21 *following:*

22           “(1) *ESTABLISHMENT.*—*The Secretary shall es-*  
 23 *tablish a program to make grants to educational in-*  
 24 *stitutions or State departments of transportation, in*

1 *partnership with industry and relevant Federal de-*  
2 *partments and agencies—*

3 *“(A) to develop, test, and review new cur-*  
4 *ricula and education programs to train individ-*  
5 *uals at all levels of the transportation workforce;*  
6 *or*

7 *“(B) to implement the new curricula and*  
8 *education programs to provide for hands-on ca-*  
9 *reer opportunities to meet current and future*  
10 *needs.”;*

11 *(3) in paragraph (2)—*

12 *(A) in the matter preceding subparagraph*  
13 *(A), by striking “shall” and inserting “may”;*

14 *(B) in subparagraph (A), by inserting “cur-*  
15 *rent or future” after “specific”; and*

16 *(C) in subparagraph (E)—*

17 *(i) by striking “in nontraditional de-*  
18 *partments”;*

19 *(ii) by inserting “construction,” after*  
20 *“such as”; and*

21 *(iii) by inserting “or emerging” after*  
22 *“industrial”;*

23 *(4) by redesignating paragraph (3) as para-*  
24 *graph (4); and*

1           (5) *by inserting after paragraph (2) the fol-*  
2 *lowing:*

3           “(3) *REPORTING.—The Secretary shall establish*  
4 *minimum reporting requirements for grant recipients*  
5 *under this subsection, which may include, with re-*  
6 *spect to a program carried out with a grant under*  
7 *this subsection—*

8           “(A) *the percentage or number of program*  
9 *participants that are employed during the sec-*  
10 *ond quarter after exiting the program;*

11           “(B) *the percentage or number of program*  
12 *participants that are employed during the fourth*  
13 *quarter after exiting the program;*

14           “(C) *the median earnings of program par-*  
15 *ticipants that are employed during the second*  
16 *quarter after exiting the program;*

17           “(D) *the percentage or number of program*  
18 *participants that obtain a recognized postsec-*  
19 *ondary credential or a secondary school diploma*  
20 *(or a recognized equivalent) during participation*  
21 *in the program or by not later than 1 year after*  
22 *exiting the program; and*

23           “(E) *the percentage or number of program*  
24 *participants that, during a program year—*

1           “(i) are in an education or training  
2           program that leads to a recognized postsec-  
3           ondary credential or employment; and

4           “(ii) are achieving measurable skill  
5           gains toward such a credential or employ-  
6           ment.”.

7           (c) *USE OF FUNDS.*—Section 504 of title 23, United  
8           States Code, is amended by adding at the end the following:

9           “(i) *USE OF FUNDS.*—The Secretary may use funds  
10          made available to carry out this section to carry out activi-  
11          ties related to workforce development and technical assist-  
12          ance and training if—

13               “(1) the activities are authorized by another pro-  
14               vision of this title; and

15               “(2) the activities are for entities other than em-  
16               ployees of the Secretary, such as States, units of local  
17               government, Federal land management agencies, and  
18               Tribal governments.”.

19       **SEC. 3007. WILDLIFE-VEHICLE COLLISION RESEARCH.**

20           (a) *GENERAL AUTHORITIES AND REQUIREMENTS RE-*  
21           *GARDING WILDLIFE AND HABITAT.*—Section 515(h)(2) of  
22           title 23, United States Code, is amended—

23               (1) in subparagraph (K), by striking “and” at  
24               the end;

1           (2) by redesignating subparagraphs (D), (E),  
 2           (F), (G), (H), (I), (J), (K), and (L) as subparagraphs  
 3           (E), (F), (G), (H), (I), (K), (L), (M), and (O), respec-  
 4           tively;

5           (3) by inserting after subparagraph (C) the fol-  
 6           lowing:

7                   “(D) a representative from a State, local, or  
 8                   regional wildlife, land use, or resource manage-  
 9                   ment agency;”;

10          (4) by inserting after subparagraph (I) (as so re-  
 11          designated) the following:

12                   “(J) an academic researcher who is a bio-  
 13                   logical or ecological scientist with expertise in  
 14                   transportation issues;”; and

15          (5) by inserting after subparagraph (M) (as so  
 16          redesignated) the following:

17                   “(N) a representative from a public interest  
 18                   group concerned with the impact of the transpor-  
 19                   tation system on terrestrial and aquatic species  
 20                   and the habitat of those species; and”.

21          (b) *ANIMAL DETECTION SYSTEMS RESEARCH AND DE-*  
 22          *VELOPMENT.*—Section 516(b)(6) of title 23, United States  
 23          Code, is amended by inserting “, including animal detec-  
 24          tion systems to reduce the number of wildlife-vehicle colli-  
 25          sions” after “systems”.

1           **TITLE IV—INDIAN AFFAIRS**

2   **SEC. 4001. DEFINITION OF SECRETARY.**

3           *In this title, the term “Secretary” means the Secretary*  
4 *of the Interior.*

5   **SEC. 4002. ENVIRONMENTAL REVIEWS FOR CERTAIN TRIB-**  
6           **AL TRANSPORTATION FACILITIES.**

7           *(a) DEFINITION OF TRIBAL TRANSPORTATION SAFETY*  
8 *PROJECT.—*

9                   *(1) IN GENERAL.—In this section, the term “trib-*  
10 *al transportation safety project” means a project de-*  
11 *scribed in paragraph (2) that is eligible for funding*  
12 *under section 202 of title 23, United States Code.*

13                   *(2) PROJECT DESCRIBED.—A project described*  
14 *in this paragraph is a project that corrects or im-*  
15 *proves a hazardous road location or feature or ad-*  
16 *dresses a highway safety problem through 1 or more*  
17 *of the activities described in any of the clauses under*  
18 *section 148(a)(4)(B) of title 23, United States Code.*

19           *(b) REVIEWS OF TRIBAL TRANSPORTATION SAFETY*  
20 *PROJECTS.—*

21                   *(1) IN GENERAL.—The Secretary or the Sec-*  
22 *retary of Transportation, as applicable, or the head*  
23 *of another Federal agency responsible for a decision*  
24 *related to a tribal transportation safety project shall*  
25 *complete any approval or decision for the review of*

1 *the tribal transportation safety project required under*  
2 *the National Environmental Policy Act of 1969 (42*  
3 *U.S.C. 4321 et seq.) or any other applicable Federal*  
4 *law on an expeditious basis using the shortest existing*  
5 *applicable process.*

6 (2) *REVIEW OF APPLICATIONS.—Not later than*  
7 *45 days after the date of receipt of a complete appli-*  
8 *cation by an Indian tribe for approval of a tribal*  
9 *transportation safety project, the Secretary or the*  
10 *Secretary of Transportation, as applicable, shall—*

11 (A) *take final action on the application; or*

12 (B) *provide the Indian tribe a schedule for*  
13 *completion of the review described in paragraph*  
14 *(1), including the identification of any other*  
15 *Federal agency that has jurisdiction with respect*  
16 *to the project.*

17 (3) *DECISIONS UNDER OTHER FEDERAL LAWS.—*

18 *In any case in which a decision under any other Fed-*  
19 *eral law relating to a tribal transportation safety*  
20 *project (including the issuance or denial of a permit*  
21 *or license) is required, not later than 45 days after*  
22 *the Secretary or the Secretary of Transportation, as*  
23 *applicable, has made all decisions of the lead agency*  
24 *under the National Environmental Policy Act of 1969*  
25 *(42 U.S.C. 4321 et seq.) with respect to the project,*

1 *the head of the Federal agency responsible for the de-*  
2 *cision shall—*

3 *(A) make the applicable decision; or*

4 *(B) provide the Indian tribe a schedule for*  
5 *making the decision.*

6 *(4) EXTENSIONS.—The Secretary or the Sec-*  
7 *retary of Transportation, as applicable, or the head*  
8 *of the Federal agency may extend the period under*  
9 *paragraph (2) or (3), as applicable, by an additional*  
10 *30 days by providing the Indian tribe notice of the*  
11 *extension, including a statement of the need for the*  
12 *extension.*

13 *(5) NOTIFICATION AND EXPLANATION.—In any*  
14 *case in which a required action is not completed by*  
15 *the deadline under paragraph (2), (3), or (4), as ap-*  
16 *plicable, the Secretary, the Secretary of Transpor-*  
17 *tation, or the head of a Federal agency, as applicable,*  
18 *shall—*

19 *(A) notify the Committees on Indian Affairs*  
20 *and Environment and Public Works of the Sen-*  
21 *ate and the Committee on Natural Resources of*  
22 *the House of Representatives of the failure to*  
23 *comply with the deadline; and*

24 *(B) provide to the Committees described in*  
25 *subparagraph (A) a detailed explanation of the*

1           *reasons for the failure to comply with the dead-*  
2           *line.*

3   **SEC. 4003. PROGRAMMATIC AGREEMENTS FOR TRIBAL CAT-**  
4           **EGORICAL EXCLUSIONS.**

5           *(a) IN GENERAL.—The Secretary and the Secretary of*  
6   *Transportation shall enter into programmatic agreements*  
7   *with Indian tribes that establish efficient administrative*  
8   *procedures for carrying out environmental reviews for*  
9   *projects eligible for assistance under section 202 of title 23,*  
10   *United States Code.*

11          *(b) INCLUSIONS.—A programmatic agreement under*  
12   *subsection (a)—*

13            *(1) may include an agreement that allows an In-*  
14    *Indian tribe to determine, on behalf of the Secretary*  
15    *and the Secretary of Transportation, whether a*  
16    *project is categorically excluded from the preparation*  
17    *of an environmental assessment or environmental im-*  
18     *pact statement under the National Environmental*  
19    *Policy Act of 1969 (42 U.S.C. 4321 et seq.); and*

20            *(2) shall—*

21              *(A) require that the Indian tribe maintain*  
22    *adequate capability in terms of personnel and*  
23    *other resources to carry out applicable agency re-*  
24    *sponsibilities pursuant to section 1507.2 of title*

1           40, Code of Federal Regulations (or successor  
2 regulations);

3           (B) set forth the responsibilities of the In-  
4 dian tribe for making categorical exclusion deter-  
5 minations, documenting the determinations, and  
6 achieving acceptable quality control and quality  
7 assurance;

8           (C) allow—

9           (i) the Secretary and the Secretary of  
10 Transportation to monitor compliance of  
11 the Indian tribe with the terms of the agree-  
12 ment; and

13           (ii) the Indian tribe to execute any  
14 needed corrective action;

15           (D) contain stipulations for amendments,  
16 termination, and public availability of the agree-  
17 ment once the agreement has been executed; and

18           (E) have a term of not more than 5 years,  
19 with an option for renewal based on a review by  
20 the Secretary and the Secretary of Transpor-  
21 tation of the performance of the Indian tribe.

1 **SEC. 4004. USE OF CERTAIN TRIBAL TRANSPORTATION**  
 2 **FUNDS.**

3 *Section 202(d) of title 23, United States Code, is*  
 4 *amended by striking paragraph (2) and inserting the fol-*  
 5 *lowing:*

6 “(2) *USE OF FUNDS.—Funds made available to*  
 7 *carry out this subsection shall be used—*

8 *“(A) to carry out any planning, design, en-*  
 9 *gineering, preconstruction, construction, and in-*  
 10 *spection of new or replacement tribal transpor-*  
 11 *tation facility bridges;*

12 *“(B) to replace, rehabilitate, seismically ret-*  
 13 *rofit, paint, apply calcium magnesium acetate,*  
 14 *sodium acetate/formate, or other environmentally*  
 15 *acceptable, minimally corrosive anti-icing and*  
 16 *deicing composition; or*

17 *“(C) to implement any countermeasure for*  
 18 *tribal transportation facility bridges classified as*  
 19 *in poor condition, having a low load capacity,*  
 20 *or needing geometric improvements, including*  
 21 *multiple-pipe culverts.”.*

22 **SEC. 4005. BUREAU OF INDIAN AFFAIRS ROAD MAINTEN-**  
 23 **NANCE PROGRAM.**

24 *There are authorized to be appropriated to the Director*  
 25 *of the Bureau of Indian Affairs to carry out the road main-*  
 26 *tenance program of the Bureau—*

- 1 (1) \$50,000,000 for fiscal year 2021;
- 2 (2) \$52,000,000 for fiscal year 2022;
- 3 (3) \$54,000,000 for fiscal year 2023;
- 4 (4) \$56,000,000 for fiscal year 2024; and
- 5 (5) \$58,000,000 for fiscal year 2025.

6 **SEC. 4006. STUDY OF ROAD MAINTENANCE ON INDIAN**  
7 **LAND.**

8 (a) *DEFINITIONS.*—*In this section:*

9 (1) *INDIAN LAND.*—*The term “Indian land” has*  
10 *the meaning given the term “Indian lands” in section*  
11 *3 of the Native American Business Development,*  
12 *Trade Promotion, and Tourism Act of 2000 (25*  
13 *U.S.C. 4302).*

14 (2) *INDIAN TRIBE.*—*The term “Indian tribe” has*  
15 *the meaning given the term in section 4 of the Indian*  
16 *Self-Determination and Education Assistance Act (25*  
17 *U.S.C. 5304).*

18 (3) *ROAD.*—*The term “road” means a road*  
19 *managed in whole or in part by the Bureau of Indian*  
20 *Affairs.*

21 (4) *SECRETARY.*—*The term “Secretary” means*  
22 *the Secretary, acting through the Assistant Secretary*  
23 *for Indian Affairs.*

24 (b) *STUDY.*—*Not later than 2 years after the date of*  
25 *enactment of this Act, the Secretary, in consultation with*

1 *the Secretary of Transportation, shall carry out a study*  
2 *to evaluate—*

3           (1) *the long-term viability and useful life of ex-*  
4 *isting roads on Indian land;*

5           (2) *any steps necessary to achieve the goal of ad-*  
6 *dressing the deferred maintenance backlog of existing*  
7 *roads on Indian land;*

8           (3) *programmatic reforms and performance en-*  
9 *hancements necessary to achieve the goal of restruc-*  
10 *turing and streamlining road maintenance programs*  
11 *on existing or future roads located on Indian land;*  
12 *and*

13           (4) *recommendations on how to implement ef-*  
14 *forts to coordinate with States, counties, municipali-*  
15 *ties, and other units of local government to maintain*  
16 *roads on Indian land.*

17       (c) *TRIBAL CONSULTATION AND INPUT.—Before begin-*  
18 *ning the study under subsection (b), the Secretary shall—*

19           (1) *consult with any Indian tribes that have ju-*  
20 *risdiction over roads eligible for funding under the*  
21 *road maintenance program of the Bureau of Indian*  
22 *Affairs; and*

23           (2) *solicit and consider the input, comments, and*  
24 *recommendations of the Indian tribes described in*  
25 *paragraph (1).*

1       (d) *REPORT.*—On completion of the study under sub-  
2 section (b), the Secretary, in consultation with the Sec-  
3 retary of Transportation, shall submit to the Committees  
4 on Indian Affairs and Environment and Public Works of  
5 the Senate and the Committees on Natural Resources and  
6 Transportation and Infrastructure of the House of Rep-  
7 resentatives a report on the results and findings of the  
8 study.

9       (e) *STATUS REPORT.*—Not later than 2 years after the  
10 date of enactment of this Act, and not less frequently than  
11 every 2 years thereafter, the Secretary, in consultation with  
12 the Secretary of Transportation, shall submit to the Com-  
13 mittees on Indian Affairs and Environment and Public  
14 Works of the Senate and the Committees on Natural Re-  
15 sources and Transportation and Infrastructure of the House  
16 of Representatives a report that includes a description of—

17           (1) the progress made toward addressing the de-  
18 ferred maintenance needs of the roads on Indian land,  
19 including a list of projects funded during the fiscal  
20 period covered by the report;

21           (2) the outstanding needs of the roads that have  
22 been provided funding to address the deferred mainte-  
23 nance needs;

24           (3) the remaining needs of any of the projects re-  
25 ferred to in paragraph (1);

1           (4) *how the goals described in subsection (b) have*  
 2           *been met, including—*

3                   (A) *an identification and assessment of any*  
 4                   *deficiencies or shortfalls in meeting the goals;*  
 5                   *and*

6                   (B) *a plan to address the deficiencies or*  
 7                   *shortfalls in meeting the goals; and*

8           (5) *any other issues or recommendations pro-*  
 9           *vided by an Indian tribe under the consultation and*  
 10           *input process under subsection (c) that the Secretary*  
 11           *determines to be appropriate.*

12 **SEC. 4007. MAINTENANCE OF CERTAIN INDIAN RESERVA-**  
 13                   **TION ROADS.**

14           *The Commissioner of U.S. Customs and Border Protec-*  
 15           *tion may transfer funds to the Director of the Bureau of*  
 16           *Indian Affairs to maintain, repair, or reconstruct roads*  
 17           *under the jurisdiction of the Director, subject to the condi-*  
 18           *tion that the Commissioner and the Director shall mutually*  
 19           *agree that the primary user of the subject road is U.S. Cus-*  
 20           *toms and Border Protection.*

21 **SEC. 4008. TRIBAL TRANSPORTATION SAFETY NEEDS.**

22           (a) *DEFINITIONS.—In this section:*

23                   (1) *ALASKA NATIVE.—The term “Alaska Native”*  
 24                   *has the meaning given the term “Native” in section*

1       3 of the Alaska Native Claims Settlement Act (43  
2       U.S.C. 1602).

3               (2) *ALASKA NATIVE VILLAGE*.—The term “Alaska  
4       Native village” has the meaning given the term “Na-  
5       tive village” in section 3 of the Alaska Native Claims  
6       Settlement Act (43 U.S.C. 1602).

7               (3) *INDIAN TRIBE*.—The term “Indian tribe” has  
8       the meaning given the term in section 4 of the Indian  
9       Self-Determination and Education Assistance Act (25  
10      U.S.C. 5304).

11      (b) *BEST PRACTICES, STANDARDIZED CRASH REPORT*  
12      *FORM*.—

13              (1) *IN GENERAL*.—Not later than 1 year after  
14      the date of enactment of this Act, the Secretary of  
15      Transportation, in consultation with the Secretary,  
16      Indian tribes, Alaska Native villages, and State de-  
17      partments of transportation shall develop—

18                      (A) best practices for the compiling, anal-  
19                      ysis, and sharing of motor vehicle crash data for  
20                      crashes occurring on Indian reservations and in  
21                      Alaska Native communities; and

22                      (B) a standardized form for use by Indian  
23                      tribes and Alaska Native communities to carry  
24                      out those best practices.

1           (2) *PURPOSE.*—*The purpose of the best practices*  
2           *and standardized form developed under paragraph*  
3           *(1) shall be to improve the quality and quantity of*  
4           *crash data available to and used by the Federal High-*  
5           *way Administration, State departments of transpor-*  
6           *tation, Indian tribes, and Alaska Native villages.*

7           (3) *REPORT.*—*On completion of the development*  
8           *of the best practices and standardized form under*  
9           *paragraph (1), the Secretary of Transportation shall*  
10          *submit to the Committee on Indian Affairs of the*  
11          *Senate and the Committee on Natural Resources of*  
12          *the House of Representatives a report describing the*  
13          *best practices and standardized form.*

14          (c) *USE OF IMARS.*—*The Director of the Bureau of*  
15          *Indian Affairs shall require all law enforcement offices of*  
16          *the Bureau, for the purpose of reporting motor vehicle crash*  
17          *data for crashes occurring on Indian reservations and in*  
18          *Alaska Native communities—*

19                 (1) *to use the crash report form of the applicable*  
20                 *State; and*

21                 (2) *to upload the information on that form to the*  
22                 *Incident Management Analysis and Reporting Sys-*  
23                 *tem (IMARS) of the Department of the Interior.*

24          (d) *TRIBAL TRANSPORTATION PROGRAM SAFETY*  
25          *FUNDING.*—*Section 202(e)(1) of title 23, United States*

1 Code, is amended by striking “2 percent” and inserting “4  
2 percent”.

3 **SEC. 4009. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

4 Section 102 of title 49, United States Code, is amend-  
5 ed—

6 (1) in subsection (e)(1)—

7 (A) in the matter preceding subparagraph  
8 (A), by striking “6 Assistant” and inserting “7  
9 Assistant”;

10 (B) in subparagraph (C), by striking “and”  
11 after the semicolon;

12 (C) by redesignating subparagraph (D) as  
13 subparagraph (E); and

14 (D) by inserting after subparagraph (C) the  
15 following:

16 “(D) an Assistant Secretary for Tribal Gov-  
17 ernment Affairs, who shall be appointed by the  
18 President; and”; and

19 (2) in subsection (f), by striking the subsection  
20 designation and heading and all that follows through  
21 the end of paragraph (1) and inserting the following:

22 “(f) OFFICE OF TRIBAL GOVERNMENT AFFAIRS.—

23 “(1) ESTABLISHMENT.—There is established in  
24 the Department an Office of Tribal Government Af-

1       *fairs, under the Assistant Secretary for Tribal Gov-*  
2       *ernment Affairs—*

3               “(A) *to oversee the tribal self-governance*  
4               *program under section 207 of title 23;*

5               “(B) *to plan, coordinate, and implement*  
6               *policies and programs serving Indian Tribes and*  
7               *Tribal organizations;*

8               “(C) *to coordinate Tribal transportation*  
9               *programs and activities in all offices and ad-*  
10              *ministrations of the Department; and*

11              “(D) *to be a participant in any negotiated*  
12              *rulemakings relating to, or having an impact on,*  
13              *projects, programs, or funding associated with*  
14              *the Tribal transportation program under section*  
15              *202 of title 23.”.*



Calendar No. 170

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 2302**

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**A BILL**

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

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August 1, 2019

Reported with an amendment